DOCUMENT RESUME

ED 198 651 EA 013 460

TITLE	Compiled School Laws of Alaska.
INSTITUTION	Alaska State Dept. of Education, Juneau.
PUB DATE	Sep 80
NOTE	210p.; For a related document, see ED 163 658.
EDRS PRICE	MF01/PC09 Plus Postage.
DESCRIPTORS	Administrators; Colleges; Community Schools; *Educational Administration; *Educational Legislation; Elementary Secondary Education; Federal Aid; Food Service; Foundation Programs; Postsecondary Education; Private Schools; School Districts; *School Law; *State Legislation; State Libraries; State Universities; Student Transportation; Teacher Retirement; Teachers
IDENTIFIERS	*Alaska

ABSTRACT

This document gathers together the Alaska state statutes dealing specifically with education or affecting education. Both elementary and secondary education and postsecondary education are dealt with. The topics covered include the administration of the schools; the rights and responsibilities of teachers, administrators, and students; the state foundation program; private and parochial schools; federal aid; the Alaska Educational Broadcasting Commission; teacher retirement; food services; and the administration of the state museum and library. (MLF)

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COMPILED SCHOOL LAWS OF ALASKA

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Dr. Marshall L. Lind, Commissioner

September 1980

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COMPILED SCHOOL LAWS
OF THE
STATE OF ALASKA

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The Constitution of the State of Alaska

Article VII

Health, Education, and Welfare

Section 1. Public Education. The Legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

Alaska Statutes

Title 44. State Government

Chapter 27. Department of Education

Sec. 44.27.010. Board and Commissioner of Education. There is at the head of the Department of Education a Board of Education. The Commissioner of Education is the principal executive officer of the department. (Sec. 11 ch 64 SLA 1959; am Sec. 12 ch 96 SLA 1967)

Sec. 44.27.020. Duties of Department. The Department of Education shall

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education;

(2) administer the historical library;

(3) plan, finance and operate related school and educational activities and facilities. (Sec. 11 ch 64 SLA 1959; am Sec. 77 ch 69 SLA 1970; am Sec. 5 ch 86 SLA 1979)

EXECUTIVE ORDER NO. 34

Revisor's note

A document originally designated Executive Order No. 34 (dealing with the name of the Division of Corrections) was withdrawn and was never submitted to the legislature. Administrative Order No. 8, dated January 27, 1969, accomplished the same purpose.

Revisor's note

The executive order submitted to the legislature on January 21, 1974, transferring the state museum from the office of the governor to the Department of Education was designated as Executive Order No. 34 on the interpretation that the number should follow the last executive order actually perfected. That executive order was incorporated in the Alaska Statutes as AS 14.57.

Title 14. Education.
Chapter 03. Public Schools Generally.

Section
10. Establishment of school system
20. School year
30. School term
40. Day in session
50. School holidays
60. Elementary, junior high, and secondary schools
70. School age
80. Free education

Section
83. Contracting for services
90. Sectarian or denominational doctrines prohibited
100. Use of school facilities
110. Questionnaires and surveys administered in public schools
130. Display of flag
140. Emergency drills

Sec. 14.03.010. Establishment of school system. There is established in the state a system of public schools to be administered and maintained as provided in this title. (Sec. 1 ch 98 SLA 1966; am Sec. 1 ch 65 SLA 1972)

Sec. 14.03.020. School year. The school year begins on the first day of July and ends on the 30th day of June. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.030. School term. The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner, a day used for inservice training of teachers may be substituted for a day in session, up to a maximum of 10 days. (am Sec. 1 ch 137 SLA 1976; am Sec. 1 ch 24 SLA 1979)

Sec. 14.03.040. Day in session. Each day within the school term is a day in session except Saturdays, Sundays, and days designated as holidays by or according to sec. 50 of this chapter. A school board may approve Saturdays as a day in session. The day in session in every school shall be at least four hours long, exclusive of intermissions, for the first, second, and third grades and five hours, exclusive of intermissions, for all other grades. The commissioner may approve a shorter day in session for any grade. The period of the day in session shall be devoted to the instruction of pupils or to study periods for the pupils. (am Sec. 2 ch 137 SLA 1976)

Sec. 14.03.050. School holidays. (a) Public schools shall not be in session on school holidays which are Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Christmas day, New Years Day, Memorial Day, and the Fourth of July. If one of these holidays falls on a Saturday, the Friday immediately preceding is a school holiday. If one of these holidays falls on a Sunday the Monday immediately following is a school holiday. A teacher shall not be required to perform employment services on these holidays, nor may the salary of a teacher be diminished because he does not perform employment services on a school holiday.

(b) The public schools shall be in session on all other holidays falling upon school days and shall conduct appropriate exercises in recognition of the day.

(c) The governing body of the school district may declare additional holidays. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.060. Elementary, junior high, and secondary schools. (a) An elementary school consists of grades kindergarten through grade eight or any appropriate combination of grades within this range.

(b) A secondary school consists of grades seven through 12 or any appropriate combination of grades within this range. The establishment of one or two grades beyond the 12th grade is optional with the governing body of the school district.

(c) Grades seven through eight, nine, and ten or any appropriate combination of grades within this range may be organized as a junior high school.

(d) This section does not prevent a high school from issuing a diploma to a student who has completed the 12th grade. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.070. School age. A child who is six years of age or who will become six years of age before November 2 following the beginning of the school year, and who is under the age of 20 and has not completed the 12th grade, is of school age. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.080. Free education. (a) A child of school age is entitled to attend public school without payment of tuition during the school term in the school district in which he is a resident subject to the provisions of AS 14.14.110 and AS 14.14.120. (am Sec. 1 ch 64 SLA 1972)

(b) A person over school age may be admitted to the public school in the school district in which he is a resident at the discretion of the governing body of the school district. A person over school age may be charged tuition by the governing body of the school district.

(c) A child under school age may be admitted to the public school in the school district of which he is a resident at the discretion of the governing body of the school district if the child meets minimum standards prescribed by the board evidencing that the child has the mental, physical and emotional capacity to perform satisfactorily for the educational program being offered.

(d) A child who is five years of age or who will become five years of age before November 2 following the beginning of the school year, and who is under school age, may enter a public school kindergarten.

(e) A child under school age shall be admitted to a school in the district of which he is a resident if immediately before he became a resident of the district, he was legally enrolled in the public schools of another district or state. (Sec. 1 ch 98 SLA 1966; am Sec. 1 ch 64 SLA 1972)

Sec. 14.03.083. Contracting for services. (a) A school district may contract for educational services provided to students in the district by an agency which is accredited by the Department of Education under AS 14.07.020 and (b) of this section.

(b) The Department of Education shall adopt regulations and establish program standards for educational services which may be contracted for by a school district.

(c) Expenses incurred by the department in accrediting the agency and program shall be borne by the agency seeking accreditation. (Sec. 1 ch 49 SLA 1973)

Sec. 14.03.090. Sectarian or denominational doctrines prohibited. No partisan, sectarian, or denominational doctrines may be advocated in a public school during the hours the school is in session. No teacher or school board violating this section may receive public money. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.100. Use of school facilities. The governing body of a school district may allow the use of school facilities for any legal gathering or assemblies. The governing body shall adopt bylaws that will insure reasonable and impartial use of the facilities. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.110. Questionnaires and surveys administered in public schools. A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school any questionnaire or survey, whether anonymous or not, which inquires into private family affairs of the student not a matter of public record or subject to public observation unless written permission is obtained from the student's parent or guardian. (Sec. 1 ch 23 SLA 1979)

Sec. 14.03.130. Display of flag. United States and Alaska flags shall be displayed upon or near each principal school building during school hours and at other times the governing body considers proper. (Sec. 1 ch 98 SLA 1966)

Sec. 14.03.140. Emergency drills. The principal or other persons in charge of each public or private school or educational institution shall instruct and train pupils by means of drills so that in an emergency they may be able to leave the school building in the shortest possible time without confusion or panic. Drills shall be held at least once each month during the school term, weather permitting. (Sec. 1 ch 98 SLA 1966)

Chapter 07. Administration of Public Schools

Article
1. Department of Education (Sec. 14.07.010—14.07.070)
2. State Board of Education and Commissioner of Education (Sec. 14.07.075—14.07.170)

Article 1. Department of Education

Section
10. Department of Education
20. Duties of the department
30. Powers of the department
40. Repealed
50. Selection of textbooks
52. Repealed

Section
53. Alaska School Activities Association
54. Alaska School Activities Fund
55. Repealed
57. Transmittal selections
60. Promulgation of regulations
70. Withholding state funds

Sec. 14.07.010. Department of Education. The Department of Education includes the commissioner of education, the State Board of Education, and the staff necessary to carry out the functions of the department. (Sec. 1 ch 98 SLA 1966)

Sec. 14.07.020. Duties of the department. The department shall

(1) exercise general supervision over the public schools of the state except the University of Alaska;

(2) study the conditions and needs of the public schools of the state and adopt or recommend plans for the improvement of the public schools;

(3) provide advisory and consultative services to all public school governing bodies and personnel;

(4) prescribe by regulation a minimum course of study for the public schools;

(5) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;

(6) accredit those public schools which meet accreditation standards prescribed by regulation by the department; these shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house; (am Sec. 1 ch 126 SLA 1978)

(7) prescribe by regulation, after consultation with the Department of Health and Social Services, standards that will assure healthful and safe conditions in the public and private schools of the state; the standards for private schools may not be more stringent than those for public schools; (am Sec. 2 ch 126 SLA 1978)

(8) in cooperation with the Department of Health and Social Services, exercise general supervision over public and private preelementary schools and over the educational component of nurseries as defined in AS 47.35.080(4); preelementary schools in this paragraph means schools for children ages three through five years when the schools' primary function is educational.

(9) provide accredited elementary and secondary correspondence study programs available to any Alaskan through a centralized office of correspondence study.

(Sec. 1 ch 98 SLA 1966; am Sec. 2 ch 69 SLA 1971; am Sec. 6 ch 104 SLA 1971; am Sec. 1 ch 190 SLA 1975; am Sec. 6 ch 50 SLA 1977)

(10) review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine the extent of eligibility for state aid of a school construction project begun after the effective date of this act; for purposes of this paragraph, a "plan" includes educational specifications, schematic designs, and final contract documents.

(11) accredit private elementary and secondary schools which request accreditation and which meet accreditation standards prescribed by regulation by the department.

(am Sec. 3 ch 126 SLA 1978)

(12) provide educational opportunities in the areas of vocational education and training, basic education, and fire-service training to individuals over 16 years of age who are no longer attending school. (am Sec. 1 ch 86 SLA 1979)

Sec. 14.07.030. Powers of the department. The department may

(1) establish, maintain, govern, operate, discontinue, and combine area, regional, and special schools;

(2), (3) and (4) Repealed Sec. 1 ch 205 SLA 1970.

(5) enter into contractual agreements with the Bureau of Indian Affairs or with a school district to share boarding costs of secondary school students;

(6) provide for citizenship night schools when and where expedient;

(7) provide for the sale or other disposition of abandoned or obsolete buildings and other state-owned school property;

(8) prescribe a classification for items of expense of school districts;

(9) acquire and transfer personal property, acquire real property, and transfer real property to federal agencies, state agencies, or to political subdivisions;

(10) enter into contractual agreements with school districts to provide more efficient or economical educational services;

(11) provide for the issuance of elementary and secondary diplomas to persons not in school who have completed the equivalent of an eighth or twelfth grade education, respectively, in accordance with standards established by the department;

(12) exercise disapproval power under AS 14.08.100. (Sec 1 ch 98 SLA 1966; am Sec 1 ch 66 SLA 1968; am Sec 2, 3, 4 ch 46 SLA 1970; am Sec 1 ch 161 SLA 1975)

Sec. 14.07.040. Repealed. (Sec 34 ch 46 SLA 1970)

Sec. 14.07.050. Selection of textbooks.

(a) Textbooks for use in the public schools of the state shall be selected by district boards for district schools and by a State Schools Textbook Committee appointed by the director for state schools. Selections of the State Schools Textbook Committee shall be submitted to the Board of Directors for State-Operated Schools for approval or rejection.

(b) However, a district may elect to adopt the selection of the State Schools Textbook Committee. (Sec 1 ch 98 SLA 1966; am Sec 1 ch 96 SLA 1970; am Sec 2 ch 205 SLA 1970)

Sec. 14.07.052. **Repealed.** (Sec 2 ch 96 SLA 1970)

Sec. 14.07.053. Alaska School Activities Association.

(a) There is created within the Department of Education the Alaska School Activities Association.

(b) The purposes of the association are to provide for the efficient governing of interscholastic activities through the promotion of those activities and other inter-school contests or programs sanctioned by the association and to assist in the promotion of those other activites and interests as it may from time to time elect.

(c) A public or private school or school district in the state may become a member of the association if it applies for membership. The Department of Education shall make applications available to all public or private schools or school districts in the state.

(d) The governing body of the association shall be the board of control with at least one member from each judicial district on the board of control. A member of the board shall be elected from each regional activities association by the members of that region. The term of office for each member is two years, except that one-half of the members elected to the first elected board shall be elected for one-year terms under regulations prescribed by the commissioner of education.

(e) The board in consultation with the Department of Education shall appoint an executive secretary, prescribe his duties and fix his compensation. He shall serve at the pleasure of the board.

(f) The board of control of the existing Alaska High School Activities Association in office on the effective date of this Act shall serve as the initial board of control for no longer than six months.

(g) The Department of Education shall approve the association's constitution and bylaws to ensure that all regions of the state are treated on a equitable basis and in the best interests of the state. (Sec 1 ch 128 SLA 1976)

Sec. 14.07.054. Alaska School Activities Fund.

(a) The Alaska school activities fund is established within the Department of Education.

(b) The commissioner of education shall review the budget request of the Alaska School Activities Association and request a sum he approves that is equitable to all regions of the state.

(c) School districts and member schools of the Alaska School Activities Association may appropriate money to the fund. (Sec 1 of 128 SLA 1976)

Sec. 14.07.055. Repealed. (Sec 19 ch 53 SLA 1973)

Sec. 14.07.057. Transmittal selections. A school board which selects its own books shall forward a list of the selections to the department. (Sec 1 ch 98 SLA 1966)

Sec. 14.07.060. Promulgation of regulations. The board shall promulgate regulations which are necessary to carry out the provisions of this title. All regulations shall be promulgated under the Administrative Procedure Act (AS 44.62). (Sec 1 ch 98 SLA 1966; am Sec 8 ch 96 SLA 1967)

Sec. 14.07.070. Withholding state funds. No state funds may be paid to a school district or teacher who fails to comply with the school laws of the state or with the regulations promulgated by the department. (Sec 1 ch 98 SLA 1966)

Article 2. State Board of Education and Commissioner of Education.

Section
75. Creation
80. Repealed
85. Appointment of members
90. Repealed
95. Term of office
100. Repealed
105. Quorum and chairman
110. Repealed
115. Removal
120. Repealed

Section
125. Meetings
130. Repealed
135. Legal assistance
140. Repealed
145. Commissioner of education
150. Budget and fiscal authority
155. Limitations on board
160. Prescription of bylaws
170. Additional powers of board

Sec. 14.07.075. Creation. There is created at the head of the Department of Education a Board of Education consisting of seven members. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.080. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.085. Appointment of members. (a) The seven members of the board, no more than four of whom shall be members of the same political party as the governor, shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. In appointing board members, the governor shall consider recommendations made by recognized educational associations in the state.

(b) One member shall be appointed from each of the four judicial districts and three from the state at large with at least one member representing state-operated rural schools.

(c) The members are entitled to the expenses, travel, and per diem allowances provided by law.

(d) A member may act and receive compensation from his appointment until his confirmation or rejection by the legislature. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.090. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.095. Term of office. The members of the board shall be appointed for overlapping five-year terms commencing February 1 of the year of appointment. A member appointed to fill a vacancy serves for the unexpired term of the member he succeeds. A vacancy occurring during a term of office is filled in the same manner as the original appointment.

Sec. 14.07.100. Repealed. (Sec 14 ch 96SLA 1967)

Sec. 14.07.105. Quorum and chairman. (a) Four members constitute a quorum.

(b) The board shall designate one member of the board as the chairman who serves as chairman of the board at the pleasure of the board. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.110. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.115. Removal. Members of the board serve at the pleasure of the governor. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.120. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.125. Meetings. The board shall meet at least quarterly. Meetings may be called by the chairman or by a majority of the members of the board. Meetings shall be held in Juneau unless a majority of the members of the board changes the place of a meeting. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.130. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.135. Legal assistance. The Department of Law shall provide all legal services for the board. (Sec 1 ch 96 SLA 1967)

Sec. 14.07.140. Repealed. (Sec 14 ch 96 SLA 1967)

Sec. 14.07.145. Commissioner of education. (a) The board shall appoint the commissioner of education subject to the approval of the governor. The commissioner shall be the principal executive officer of the department.

(b) The commissioner shall be appointed without regard to political affiliation and shall have at least a master's degree with five years' experience in the field of education since receiving it, with at least three of the five years in an exclusively adminstrative position.

(c) The commissioner may be appointed by the board for a term of office not to exceed five years. He may be removed during his term of office by four members of the board for cause as defined in this section.

(d) In this section, "cause" is defined as

(1) incompetency which is the inability or the unintentional or intentional failure to perform the duties of the commissioner;

(2) immorality which is the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude; or

(3) malfeasance or misfeasance in office which includes, but is not limited to, the failure of the commissioner to comply with the rules or regulations adopted by the board.

(e) The commissioner shall receive the salary set out in AS 39.20.080.

(f) The commissioner shall employ and remove all classified personnel in the department subject to the State Personnel Act (AS 39.25). He may employ and remove personnel in the exempt or partially exempt service subject to the approval of the board. Personnel in the exempt or partially exempt service have a right of appeal to the board if they are removed. (Sec. 1 ch 96 SLA 1967)

Sec. 14.07.150. Budget and fiscal authority. The commissioner has responsibility and authority for the preparation and execution of a budget and for the other fiscal affairs of the department, subject to the approval of the board. (Sec. 1 ch 98 SLA 1966; am Sec. 2 ch 96 SLA 1967)

Sec. 14.07.155. Limitations on board. No member of the board may be a candidate for partisan political office while serving as a member of the boards (Sec. 3 ch 96 SLA 1967)

Sec. 14.07.160. Prescription of bylaws. (a) The board may adopt bylaws for the management of the department.

(b) The bylaws shall be written and distributed in a manner so as to be readily available to personnel of the department.

(c) This section shall not be construed to allow the use of a bylaw rather than a regulation where the subject is of statewide importance or interest. (Sec. 1 ch 98 SLA 1966; am Sec. 4 ch 96 SLA 1967; am Sec. 7 ch 46 SLA 1970; am Sec. 3 ch 205 SLA 1970)

Sec. 14.07.170. Additional powers of board. The board may

(1) appoint unpaid advisory commissions;

(2) require school boards or school personnel to submit to the department, in the form the board may require, the district budget or any information or reports which are reasonably necessary to assist the department in carrying out its functions. (Sec. 1 ch 98 SLA 1966; am Sec. 5 ch 96 SLA 1967)

Chapter 08. Education in The Unorganized Borough

Section
10. Repealed
11. Purpose
21. Authority
31. Regional Educational Attendance Areas
41. Regional School Boards
46. Advisory School Boards in Regional Educational Attendance Areas
50. Repealed
51. School Board Sections
60. Repealed
61. Term of Office
70. Repealed
71. Elections
80. Repealed
81. Recall
90. Repealed
91. Administration

Section
100. Repealed
101. Powers
110. Repealed
111. Duties
120. Repealed
121. Funding
130. Repealed
131. Conflict of Interest; Disqualification from Voting
140. Repealed
141. Repealed
150. Repealed
151. Land and Buildings
160. Repealed
161. School Construction, Repair, and Improvement
170. Repealed

Sec. 14.08.010. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.011. Purpose. (a) It is the purpose of this chapter to provide for public education in the unorganized borough and the military reservations in the state.

(b) Nothing in this chapter prohibits an organized borough, city, village, community or settlement in an unorganized area of the state from becoming part of or being formed into an organized political subdivision authorized under AS 29. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.021. Authority. The legislature delegates to school boards for each regional educational attendance area the authority to operate the public schools in those areas in accordance with the provisions of this chapter, subject to the provisions of this title and the regulations promulgated under it that apply to all school districts in the state.

Sec. 14.08.031. Regional Educational Attendance Areas. (a) The Department of Community and Regional Affairs in consultation with the Department of Education and local communities shall divide the unorganized borough into educational service areas using the boundaries or subboundaries of the regional corporations established under the Alaska Native Claims Settlement Act, unless by referendum a community votes to merge with another community contiguous to it but within the boundaries or sub-boundaries of another regional corporation.

(b) An educational service area established in the unorganized borough under (a) of this section constitutes a regional educational attendance area. As far as practicable, each regional educational attendance area shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the formation of the regional educational attendance areas, consideration shall be given to the transportation and communication network to facilitate the administration of educational and communication between communities that comprise the area.

Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the regional school attendance areas.

(c) Military reservation schools shall be included in a regional educational attendance area. However, operation of military reservation schools by a city or borough school district may be required by the department under AS 14.12.020(a) and AS 14.14.110. Where the operation of the military reservation schools in a regional educational attendance area by a city or borough school district is required by the department, the military reservation shall not be considered part of the regional educational attendance area for the purposes of regional school board membership or elections.

(d) U. S. Bureau of Indian Affairs schools shall be included in a regional educational attendance area boundary. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.041. Regional School Boards. (a) A regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board.

(b) The qualified voters of the communities receiving educational services in each regional educational attendance area shall elect a regional school board of not less than five nor more than eleven members to be elected for the same term, in the same manner and with the same qualifications as a city or borough school district board under ch. 12 of this title. The initial number of regional school board members shall be determined by the department in consultation with the local communities in the regional educational attendance areas. However, the qualified voters in a regional educational attendance area may increase or decrease the number of regional school board members established under this section by placing the question on the ballot at a regular school board election in the manner prescribed by law. A change in the number of school board members shall not be effective until the next regular school board election.

(c) a regional school board shall consist of five, seven, nine or 11 members.

(d) Regional school board members shall be elected at large by the qualified voters of the communities receiving educational services in the entire regional educational attendance area. However, each seat on the school board shall be designated by letter or number, and a candidate for regional school board must indicate the seat for which he is a candidate on his declaration of candidacy or other nomination papers when he files for office.

(e) A vacancy on a regional school board shall be filled in accordance with AS 14.12.070. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.046. Advisory school boards in regional educational attendance areas. A regional school board may establish advisory school boards, and by regulation shall prescribe their manner of selection and organization, and their powers and duties. (Sec. 2 ch 24 SLA 1979)

Sec. 14.08.050. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.051. School Board Sections. (a) The commissioner in consultation with the Department of Community and Regional Affairs and the local communities may divide a regional educational attendance area into sections only for the purpose of nominating and electing regional school board members. If a regional educational attendance area is divided into sections each school board member shall represent, as nearly as practicable, an equal number of persons. The basis for the division of a regional educational attendance area into sections shall be the total population of the area as reported in the most recent decennial federal census. If the census is five years old or older, then other reliable population data, including but not limited to population estimates based on public school enrollments, public utility connections, registered voters or certified employment payrolls, shall be used as the basis for the division of the area into sections. Each section within a regional educational attendance area shall consist of compact, contiguous territory and, as far as practicable, each section shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the division of the regional school attendance area into sections, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the sections.

(b) The division of a regional educational attendance area into sections, or subsequent recasting of the section boundaries, may be proposed by the regional school board or by a petition containing signatures of qualified voters in the area equal to 15 per cent of the total vote cast in the most recent regional school board election. The division of the area into sections, or subsequent recasting of section boundaries, is subject to approval by a majority of the qualified voters voting on the question in the regional educational attendance area at the next regular school board election or a special election called for that purpose, and takes effect at the next regular school board election.

(c) If a regional educational attendance area has been divided into sections, the commissioner shall recast the boundaries of the sections within 90 days following the official reporting of the decennial federal census in accordance with (a) of this section.

(d) Multi-member sections may be created. However,

(1) the commissioner shall designate each seat within a multi-member section by letter or number, and a candidate for regional school board within that section must indicate the seat for which he is a candidate on his declaration of candidacy or other nomination papers when he files for office; and

(2) no section may be represented by more than

(A) three members, if a board consists of five members;

(B) four members, if a board consists of seven members;

(C) five members, if a board consists of nine members; or

(D) six members, if a board consists of 11 members.

(e) If a regional educational attendance area has been divided into sections, board members shall be residents of the section from which they are elected, but they shall be elected by the qualified voters of the entire regional educational attendance area. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.060. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.061. Term of Office. (a) Members elected to a regional school board shall serve staggered three-year terms. However,

(1) the term of office of all of the members of a regional school board elected from the same multi-member section may not expire at the same time; and

(2) for the first board elected, the term of office of each member shall be determined by lot, according to the following schedule:

(A) the members of the first five-member school board shall hold office for terms as follows: one member for a one-year term; two for a two-year term and two for a three-year term;

(B) the members of the first seven-member school board hold office for terms as follows: two members for a one-year term, two for a two-year term and three for a three-year term;

(C) the members of the first nine-member school board hold office for terms as follows: three for a one-year term; three for a two-year term and three for a three-year term;

(D) the members of the first 11-member school board hold office for terms as follows: three for a one-year term, four for a two-year term and four for a three-year term.

(b) If a regional educational attendance area is divided into sections under sec. 51 of this chapter where the school board formerly was elected at large, or if the number of regional school board members is increased or decreased by the qualified voters in the regional educational attendance area under sec. 41(b) of this chapter, the term of office of all members of the existing board shall terminate on the date on which the new board members take office, and the provisions of (a) of this section are applicable to the determination of the terms of office of the new members of the regional school boards.

(c) Nothing in this section precludes a board member from being reelected. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.070. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.071. Elections. (a) In each regional educational attendance area in the unorganized borough, the lieutenant governor, within not less than 60, or more than 90 days after the establishment of the regional educational attendance area, shall provide for the election of a regional school board.

(b) Except for the first election of regional school board members under (a) of this section, election shall be held annually on the first Tuesday in October. Elections shall be supervised by the director of elections in the office of the lieutenant governor, but shall be administered within second class cities as part of the regular municipal election. The lieutenant governor shall promulgate regulations for the conduct of the election of regional school board members comparable, as far as practicable, to those prescribed for election of school board members under ch. 12 of this title and AS 29.28 except that the majority election requirements of AS 29.28.040 shall not apply to, nor may the regulations require runoff elections for, the first election of regional school board members under (a) of this section or, if a school board by resolution so requests, to subsequent elections in the regional educational attendance area served by that school board. (am Sec. 1 ch 39 SLA 1978)

(c) The cost of each regional school board election, or recall election under sec. 81 of this chapter, shall be borne by the state. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.080. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.081. Recall. The members of a regional school board are subject to recall in accordance with AS 29.28.130 — 29.28.250, except that the director of the division of elections shall perform the functions of a municipal clerk, and the lieutenant governor shall perform the functions of the assembly or council under those sections. (Sec. 2 ch 124 SLA 1975; am Sec. 3 ch 24 SLA 1979)

Sec. 14.08.090. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.091. Administration. (a) The regional school boards shall be organized in accordance with AS 14.14.070, and, before taking office, each school board member shall take and sign the oath or affirmation prescribed by AS 14.12.090.

(b) The officer of the board responsible for the custody of regional education attendance area funds shall execute a bond of $50,000 with the commissioner. (Sec 2 ch 124 SLA 1975)

Sec. 14.08.100. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.101. Powers. A regional school board may

(1) sue and be sued;

(2) contract with the department, the Bureau of Indian Affairs, or any other school district, agency, or regional board for the provision of services, facilities, supplies or utilities;

(3) determine its own fiscal procedures including but not limited to policies and procedures for the purchase of supplies and equipment; the regional school boards are exempt from the Fiscal Procedures Act (AS 37.05);

(4) appoint, compensate and otherwise control all school employees in accordance with this title; these employees are not subject to the state personnel Act (AS 39.25);

(5) adopt regulations governing organization, policies and procedures for the operation of the schools;

(6) establish maintain, operate, discontinue and combine schools subject to the approval of the commissioner;

(7) recommend to the commissioner a school construction and rehabilitation program based on an evaluation of the condition of existing school facilities and a determination of the requirements for new school construction, rehabilitation or other upgrading of school facilities, and provide for the construction and rehabilitation or other upgrading of school facilities when grants are made to it by the Department of Public Works under Sec. 161 of this chapter; and

(am Sec. 2 ch 57 SLA 1976)

(8) exercise those other functions that may be necessary for the proper performance of its responsibilities. (Sec. 2 ch 124 SLA 1975)

(9) by resolution adopted by a majority of all the members of the board and provided to the commissioner of the department, assume ownership of all land and buildings used in relation to the schools in the regional educational attendance area. (am Sec 1 ch 147 SLA 1978)

Sec. 14.08.110. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.111. Duties. A regional school board shall:

(1) provide, during the school term of each year, an educational program for each school age child who is a resident of the district;

(2) develop a philosophy of education, principles and goals for its schools;

(3) employ a chief school administrator and approve the employment of the professional administrators, teachers and noncertificated personnel necessary to operate its schools;

(4) establish the salaries to be paid its employees;

(5) designate the employees authorized to direct disbursements from the school funds of the board;

(6) submit the reports prescribed for all school districts;

(7) provide for an annual audit in accordance with AS 14.14.050; and

(8) provide custodial services and routine maintenance of school buildings and facilities. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.120. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.121. Funding. (a) The legislature shall fund the operational costs of the regional educational attendance area schools in the following manner:

(1) the amount of basic need as defined in AS 14.17.021(b), reduced by deducting, if permitted under Sec. 5(d) (2) of PL 81-874, as amended, (20 U.S.C. 240(d) and the regulations adopted under it (45 C.F.R. 115.60—115.66) up to 80% of the amount of the regional educational attendance area's entitlement to federal financial assistance under P.L. 81-874, as amended, (20 U.S.C. 236—244) for the prior fiscal year; and

(2) an additional amount equal to the average local tax contributions per pupil in average daily membership (ADM) for school operating costs in the city and borough school districts in the prior fiscal year, but not less than $880 per ADM in the Fiscal Year ending June 30, 1981.

(am Sec. 1 ch 90 SLA 1977; am Sec. 1 ch 26 SLA 1980)

(b) Funds for the operation of the regional educational attendance area schools shall be appropriated annually to the Department of Education for distribution to the regional school boards in the manner prescribed in AS 14.17.180. (Sec. 2 ch 124 SLA 1975)

Sec. 14.08.130. Repealed (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.131. Conflict of Interest; Disqualification from Voting. A board member having a direct or indirect pecuniary interest in a contract for erection of buildings, heating, ventilation, furnishing or repairing the buildings or in a contract for the furnishing of supplies for a regional school is disqualified from voting on any question involving his pecuniary interest unless the member has disclosed that interest to the board and the remaining members have approved the member's participation in the voting.

Sec. 14.08.140. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.141. Repealed. (Sec. 1 ch 236 SLA 1976)

Sec. 14.08.150. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.151. Land and Buildings. (a) Except as provided in (b) of this section and sec. 161(g) of this chapter, the ownership of land and buildings used in relation to regional educational attendance area schools shall remain vested in the state, and use permits shall be given to the regional school boards. (am Sec 2 ch 147 SLA 1978)

(b) A regional school board may, by resolution, request, and the commissioner of the department having responsibility shall convey, title to land and buildings used in relation to regional educational attendance area schools. If the state holds less than fee title to the land, the commissioner of the department having responsibility shall convey the entire interest of the state in the land to the regional school board. (am Sec 3 ch 147 SLA 1978)

Sec. 14.08.160. Repealed. (Sec. 1 ch 124 SLA 1975)

Sec. 14.08.161. School construction, repair, and improvement. (a) The department shall

(1) based on requests for funding of projects made by the regional school boards to the Department of Education under Sec. 101(7) of this chapter, select necessary projects for the construction, repair, or improvement of schools;

(2) recommend to the governor an appropriation of funds for the designated projects on the basis of its determination of funds necessary for each project and the priorities established by it among the projects and include a report of the project requests made by the regional school boards; and

(3) submit to the legislature within the first 10 days of session a report of the project requests made by the regional school boards.

(b) In establishing its recommended priorities among projects requested by the regional school boards, the Department of Education shall evaluate, among others, the following factors:

(1) priorities assigned by the regional school boards to the projects requested by them;
(2) emergency requirements;
(3) number of unhoused students;
(4) new local elementary or secondary programs;
(5) existing community and school facilities and their condition;
(6) economic and social stability of the community; and
(7) public facilities procurement policies developed by the Department of Public Works under AS 35.10.160 - 35.10.200.

(c) School construction, repair, and improvement projects shall be carried out by the Department of Public Works unless funds for a project are granted to a regional school board under (d) of this section.

(d) Regional school boards may apply to the Department of Transportation and Public Facilities for a grant of all or part of the funds allocated for their school construction, repair, and improvement projects. When a regional school board applies for a grant of funds, the department shall grant funds to a regional school board for a school construction, repair, or improvement project, and, if the request is for all funds allocated, shall provide for the assumption by the regional school board of all of the department's responsibilities relating to the planning, design and construction of an educational facility. Thereafter, the board shall

(1) select the appropriate professional personnel to develop the designs;

(2) approve or disapprove the appropriate designs or revised designs; and

(3) undertake construction, repair or improvement of the educational facility.

(e) To carry out the purpose of this section, the Department of Transportation and Public Facilities shall adopt regulations relating to the application for and the making and the manner of administration of grants wherein the responsibility for school construction, repair and improvement is assumed by regional school boards under (d) of this section. The department shall include in grant contracts terms and conditions requiring a regional school board and its contractors to adhere to the provisions of AS 36.05.010 with respect to the payment of wage rates on construction projects, and AS 36.10.010 with respect to employment preference and may require different terms in grant contracts for different projects to meet local conditions and unique requirements and to assure compliance with the public facilities procurement policies developed by the department under AS 35.10.160 — 35.10.200.

(f) Ownership of supplies and equipment purchased with funds appropriated for school construction, repair, or improvement vests in the regional school board receiving them.

(g) Title or sufficient interest determined acceptable by the department to an approved site for a school building to be constructed, repaired or improved by a regional school board shall be vested in the state or in the respective regional school board.

(am Sec 3 ch 57 SLA 1976; am Sec 2, 3, 4, 5 ch 147 SLA 1978)

Sec. 14.08.170. Repealed. (Sec 1 ch 124 SLA 1975)

Chapter 09. Transportation of Pupils.

Section
10. Transportation of pupils
20. Transportation for nonpublic school students

Sec. 14.09.010. Transportation of pupils. (a) The department may provide for the transportation of pupils who reside a distance from established schools, and in order to accomplish that purpose may

(1) require school districts to enter into contracts with the department for the administration, supervision, operation or subcontracting of the operation of transportation systems for students to and from the schools within their service areas;

(2) require all school districts, transportation contractors and other recipients of state transportation funds to submit to the department an annual report, which includes a financial statement and other operational data required by the department;

(3) permit school districts to (A) establish supplementary systems of student transportation for students ineligible to utilize transportation facilities paid for by the state, (B) charge fares or fees for the supplementary transportation systems, and (C) use local funds to pay, in whole or in part, the cost of the supplementary system.

(b) Each school district mentioned in (a) (1) of this section is entitled to receive reimbursement from the state for the operation of the transportation system on a unit cost basis determined by the department.

(c) The school board of a district, or the department for areas not within school districts, shall designate as hazardous those routes which cannot be safely traveled by children not served by school bus. The designation may recognize hazards that exist only part of the time and in these instances the designation shall be applicable only during the time the hazards are found to exist. The board or the department shall provide for the transportation of pupils on routes designated as hazardous. The additional cost of the transportation in a district shall be shared equally by the district and the department. Eligibility to receive school bus service on routes designated as hazardous shall not be subject to restrictions based on the minimum distance between established schools and the residences of pupils. (Sec. 1 ch 98 SLA 1966; Sec. 1 ch 39 SLA 1966)

Sec. 14.09.020. Transportation for nonpublic school students. In those places in the state where the department or a school district provides transportation for children attending public schools, the department also shall provide transportation for children who, in compliance with the provisions of ch. 30 of this title, attend nonpublic schools which are administered in compliance with state law where the children, in order to reach the nonpublic schools, must travel distances comparable to, and over routes the same as, the distances and routes over which the children attending public schools are transported. The commissioner shall administer this nonpublic school student transportation program, integrating it into existing systems as much as feasible, and the cost of the program shall be paid from funds appropriated for that purpose by the legislature. (Sec. 1 ch 157 SLA 1972)

Chapter 11. Adventure-Based Education.

Section
10. Adventure-based education program

Sec. 14.11.010. Adventure-based education program. An adventure-based education program is a program designed to bring adventure-based education to high school students and appropriate juvenile offenders. A program shall include provisions for the following phases:

(1) Phase I: Basic Skills Learning

(A) physical conditioning: running, hiking, swimming, and other related activities;

(B) technical training: the use of specialized tools and equipment, camping, cooking, map reading, navigation, life saving, drown proofing, and solo survival;

(C) safety training: first aid skills, emergency care, preventative medicine, nutrition, health and personal hygiene care;

(D) team training: rescue techniques, evacuation exercises, and fire fighting;

(E) solo: solitary living for a short period with minimal equipment;

(F) interpersonal skills training: coping skills, individual and group problem solving, and societal communication skills;

(G) culturally relevant activities: traditional modes of subsistence living, travelling and surviving in wilderness areas and communities in Alaska, and cross-cultural experiences.

(2) Phase II: Skills Generalization

(A) vocational counseling and placement;

(B) family and interpersonal counseling;

(C) community systems utilization:

(i) transportation,

(ii) community services systems,

(iii) community problem solving.

(am Sec. 2 ch 86 SLA 1979)

Article
1. Districts (Sec. 14.12.010 — 14.12.020)
2. School Boards (Sec. 14.12.030 — 14.12.110)
3. Regional Resource Centers (Sec. 14.12.150 — 14.12.180)

Article 1. Districts.

Section
10. Districts of state public school system

Section
20. Support, management and control

Sec. 14.12.010. Districts of State Public School System. The districts of the state public school system are as follows:

(1) each first class city in the unorganized borough is a city school district;

(2) each organized borough is a borough school district;

(3) the area outside organized boroughs and outside first class cities is divided into regional educational attendance areas.

(Sec 1 ch 98 SLA 1966; am Sec 3 ch 124 SLA 1975; am Sec 7 ch 208 SLA 1975)

Sec. 14.12.020. Support, management, and control.

(a) Each regional educational attendance area shall be operated on an areawide basis under the management and control of a regional school board. The regional school board manages and controls schools on military reservations within its regional educational attendance area until the military mission is terminated or so long as management and control by the regional educational attendance area is approved by the department. However, operation of the military reservation schools by a city or borough school district may be required by the department under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by the regional educational attendance area is disapproved by the department, operation, management and control of schools on the military reservation transfers to the city or borough school district in which the military reservation is located.

(b) Each borough or city school district shall be operated on a district-wide basis under the management and control of a school board.

(c) The legislature shall provide the state money necessary to maintain and operate the regional educational attendance areas. The borough assembly for a borough school district, and the city council for a city school district, shall provide the money which must be raised from local sources to maintain and operate the district.

(Sec 1 ch 98 SLA 1966; am Sec 8, 9 ch 46 SLA 1970; am Sec 5 ch 32 SLA 1973; am Sec 1 ch 72 SLA 1974; am Sec 1 ch 13 SLA 1975; am Sec 4, 5 ch 124 SLA 1975)

Article 2. School Boards.

Section
30. School boards
35. Advisory school boards in borough school districts
40. Transition
50. School board terms
70. Vacancies

Section
80. Qualification of members
90. Oath
100. Application
110. Single body as assembly and school board
115. Indemnification
120. Repealed

Sec. 14.12.030. School boards. (a) Each borough and city school district with an average daily membership of 5,000 or less has a school board of five members, except that the governing body of the borough or city may by ordinance, concurred in by a majority of the district school board, provide for a school board of seven members. (Sec. 1 ch 71 SLA 1969)

(b) Each borough and city school district with an average daily membership exceeding 5,000 has a school board of seven members. (Sec. 1 ch 98 SLA 1966)

(c) Notwithstanding the provisions of (a) and (b) of this section, where the borough assembly serves as the school board of the borough school district under AS 29.41.020 the number of members of the assembly-school board shall be determined in the manner prescribed by AS 29.23.020. (am Sec. 1 ch 83 SLA 1974)

(d) Each city or borough school district that is operating schools on a military reservation under AS 14.12.020(a) has one nonvoting delegate from the military reservation or reservations to the school district board to advise and assist the board in matters relating to the military reservation schools operated by the school district and to act as liaison between the board and the military community. The nonvoting delegate shall be appointed by the school district board, shall serve at the pleasure of the school district board, and must be an inhabitant of the area served by the military reservation schools operated by the school district by contract. If an elected community school committee is established on a military reservation, the only inhabitants of that military reservation who are eligible for appointment as the nonvoting delegate are those inhabitants who are members of the elected school committee. (Sec. 1 ch 98 SLA 1966; am Sec. 1 ch 71 SLA 1969; am Sec. 1 ch 83 SLA 1974; am Sec. 2 ch 13 SLA 1975; am Sec. 6 ch 124 SLA 1975; am Sec. 4 ch 24 SLA 1979)

Sec. 14.12.035. Advisory school boards in borough school districts. A borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers and duties. (am Sec 1 ch 81 SLA 1974)

Sec. 14.12.040. Transition. The transition from a five-man to a seven-man school board shall be made at the regular election following, or being held within 90 days preceding, the completion of the second regular school term during which the district maintains an average daily membership exceeding 5,000 or at the regular election following the effective date of an ordinance increasing board membership as provided in sec. 30(a) of this chapter. Once the district has a seven-man school board, the number of members shall not be changed. (Sec 1 ch 98 SLA 1966; am Sec 2 ch 71 SLA 1969)

Sec. 14.12.050. School board terms. (a) The term of office of a member of a borough or city school board is three years and until a successor takes office. However, the members of a newly created five-man school board hold office for initial terms as follows: two for a term of three years, two for a term of two years and one for a term of one year, the terms being assigned to the members by lot. The members of a newly created seven-man school board hold office for initial terms as follows: three for a term of three years, two for a term of two years and two for a term of one year, the terms being assigned to the members by lot.

(b) When a transition is made from a five-man school board to a seven-man school board, the length of the terms of office for the two new members to be elected shall be determined by lot so that when the terms of office for the two new members are assigned, the terms of office for the entire seven-man board shall be as follows: three members have a three-year term, two members have a two-year term, and two members have a one-year term. A seven-man school board, the terms of office of whose members at the time of transition from a five-man board did not result in terms expiring in the manner provided in this section, may, by resolution adopted by a majority of the members of the board, adjust the terms of office to conform to the schedule for expiration of terms of office provided in this section.

(c) Nothing in this section prevents a school board member from succeeding himself. (Sec 1 ch 98 SLA 1966; am Sec 1 ch 41 SLA 1972)

Sec. 14.12.070. Vacancies. If a vacancy occurs on the school board, the remaining members shall within 30 days fill the vacancy. The person selected shall serve until the next regular election when a successor shall be elected to serve the balance of the term. (Sec 1 ch 98 SLA 1966)

Sec. 14.12.080. Qualification of members. To be eligible to be a member of a school board, a person must have the same qualifications as are necessary to be a municipal voter in the school district. (Sec 1 ch 98 SLA 1966)

Sec. 14.12.090. Oath. School board members, before taking office, shall take and sign the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska and that I will honestly, faithfully, and impartially discharge my duties as a school board member to the best of my ability." (Sec 1 ch 98 SLA 1966)

Sec. 14.12.100. Application. Secs. 10 — 100 of this chapter apply to home rule and general law municipalities. (Sec 1 ch 98 SLA 1966)

Sec. 14.12.110. Single body as assembly and school board. Notwithstanding the provisions of this chapter or other law, a single body may serve as both the borough assembly and borough school board in the manner provided for third class boroughs under AS 07.17.030, if a borough ordinace for that purpose is approved by the assembly and ratified as a referendum of a majority of the qualified borough voters voting on the question at a regular or special election, and if the public school population within the borough is 500 pupils or less. (Sec 1 ch 214 SLA 1970)

Sec. 14.12.115. Indemnification. A school board shall insure or indemnify and protect the board, any member of the board, or any agent, employee, teacher, student teacher, officer or member of the supervisory or administrative staff of the school district against financial loss and expense, including reasonable legal fees and costs arising out of any claim, demand, suit or judgment by reason of alleged negligence, alleged violation of civil rights or alleged wrongful act resulting in death or bodily injury to any person or accidental damage to or destruction of property, inside or outside the school premises, if the board member, agent, employee, teacher, student teacher, officer or member of the supervisory or administrative staff, at the time of the occurrence, was acting under the direction of the school board within the course or scope of his duties. (am Sec 2 ch 148 SLA 1978)

Sec. 14.12.120. Repealed. (Sec 4 ch 148 SLA 1978)

Article 3. Regional Resource Centers.

Section
150. Establishment and purpose
160. Regional resource center board grant program; eligibility

Section
170. For purposes of this chapter, regional . . .
180. Regulations

Sec. 14.12.150. Establishment and purpose. (a) The districts of the state public school system may join together to establish regional resource centers to provide the following services, including but not limited to, accounting, payroll and other fiscal, media, instructional support, bilingual-bicultural educational, inservice and staff developement, student, diagnostic, school management and school board member training.

(b) A regional resource center established under (a) of this section shall be governed by a board consisting of one representative from each participating district. The representative shall be appointed by the governing board of that district. The term of office of regional resource center board members shall be two years, beginning July 1 of each calendar year. Vacancies shall be filled in the same manner as original appointment.

(c) Regional resource center boundaries shall be established by the state Board of Education on recommendation of the commissioner of education in the following seven regions of the state: southcentral and the Aleutian Chain, western, northwest, Bristol Bay, interior, southeast, and Kodiak. A district may not be included in more than one regional resource center area.

(d) Regional resource center boards may receive and expend both public and private funds to operate a regional resource center.

(e) Employees of the regional resource centers are not in the state service and are not subject to the State Personnel Act (AS 39.25). However, all regional resource center employees shall be members of either the teachers' retirement system (AS 14.25) or the public employees retirement system (AS 39.35).

Sec. 14.12.160. Regional resource center board grant program; eligibility. (a) The Department of Education may make grants to regional resource center boards which qualify for the grants under the criteria set out in (b) of this section and regulations adopted by the department.

(b) To qualify for a grant under (a) of this section, a regional resource center board shall

(1) be organized under the provisions of sec. 150 of this chapter;

(2) adopt bylaws for its operation;

(3) provide the department with a plan of operation including but not limited to the following elements:

(A) the bylaws adopted for its operation;

(B) a list of participating districts, number of students and professional staff to be served;

(C) a schedule of funds available from federal, state, local and private sources;

(D) a description of the services and programs to be offered;

(E) a description of the method by which these services and programs will be evaluated;

(F) other information that may be required by the department by regulation;

(4) comply with applicable regulations adopted by the department.

Sec. 14.12.170. For purposes of this chapter, regional education attendance areas shall be considered districts.

Sec. 14.12.180. Regulations. The Department of Education may adopt regulations necessary to implement the provisions of Sec. 150 — 170 of this chapter.

(Sec 2 ch 236 SLA 1976)

Chapter 14. Local Administration of Schools.

Article

1. Operation of Districts (Sec. 14.14.020 – 14.14.200)
2. Involvement of Young People in School Governance (Sec. 14.14.250 – 14.14.310)

Article 1. Operation of Districts.

Section

20. Bond required
50. Annual audit
60. Relationship between borough school district and borough
65. Relationship between city school district and city
70. Organization of school board
80. Declaring a school board vacancy
90. Additional duties
100. Bylaws and administrative rules
105. Sick leave bank
107. Sick leave and sick leave transfer (Repealed and re-enacted)
110. Cooperation with other districts
120. Inoperative district
130. Chief school administrator
140. Restriction on employment
150. Association of Alaska School Boards the representative agency of board members
160. Cooperation and support of certain association functions
170. Repealed
180. Repealed
190. Repealed
200. Repealed

Sec. 14.14.020. Bond required. Before the officer responsible for custody of, investment, or management of school district money enters upon the duties of office, the district, or the municipality if the treasury is centralized, shall obtain a bond with sufficient sureties in an amount equal to the money that may come into the officer's official custody, but not to exceed $50,000. The bond shall be conditioned on the officer's honest and faithful disbursement and accounting of all money that may come into his official custody. The bond shall be filed with the clerk of the school board. This section does not apply to an officer who has been bonded under AS 29.23.520. (Sec. 1 ch 98 SLA 1966; am Sec. 21 ch 53 SLA 1973)

Sec. 14.14.050. Annual audit. (a) The school board in each school district shall, before October 1 of each year, provide for an audit of all school accounts for the school year ending the preceding June 30. To make the audit the school board shall contract with a public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the district. One certified copy of the audit shall be filed with the commissioner and one certified copy shall be posted in a public place at the principal administrative office of the district.

(b) The audit shall conform in form to requirements established by the commissioner. The commissioner shall withhold all payments of state funds after November 15 to a school district which fails to file a certified copy of the audit with the department.

(c) The commissioner may provide for a reaudit or an audit check in a school district if in his judgment it is necessary to substantiate the reported expenditures.

(d) The school board shall not make the audit if an audit which satisfies the requirements of this section and which is filed and posted as required by this section, is made according to AS 29.48.220. (Sec. 1 ch 98 SLA 1966; am Sec. 22 ch 53 SLA 1973)

Sec. 14.14.060. Relationship between borough school district and borough. (a) The borough assembly may by ordinance require that all school money be deposited in a centralized treasury with all other borough money. The borough administrator shall have the custody of, invest and manage all money in the centralized treasury. However, the borough assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibility of a centralized treasury.

(b) When the borough school board by resolution consents, the borough assembly may by ordinance provide a centralized accounting system for school and all other borough operations. The system shall be operated in accordance with accepted principles of governmental accounting. However, the assembly, with the consent of the borough school board, may by ordinance delegate to the borough school board the responsibilities of the accounting system.

(c) The borough school board shall submit the school budget for the following school year to the borough assembly by April 1 for approval of the total amount. Within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes and shall furnish the school board with a statement of the sum to be made available. If the assembly does not, within 30 days, furnish the school board with a statement of the sum to be made available, the amount requested in the budget is automatically approved. By May 31, the assembly shall appropriate the amount to be made available from local sources from money available for the purpose.

(d) The borough assembly shall determine the location of school buildings with due consideration to the recommendations of the borough school board.

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of a school building shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school board shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. A design or revised design approved by the assembly shall be submitted by the board to the department in accordance with AS 14.07.020(10). (am Sec. 11 ch 147 SLA 1978)

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. The borough assembly through the borough administrator, shall provide for all major rehabilitation, all construction and major repair of school buildings. The recommendations of the school board shall be considered in carrying out the provisions of this section.

(g) State law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education and other general laws relating to schools, governs the exercise of the functions by the borough. The school board shall appoint, compensate, and otherwise control all school employees and administration officers in accordance with this title.

(h) School boards within the borough may determine their own policy separate from the borough for the purchase of supplies and equipment. (Sec. 8 ch 118 SLA 1972)

Sec. 14.14.065. Relationship between city school district and city. The relationships between the school board of a city school district and the city council and executive or administrator are governed in the same manner as provided in sec. 60 of this chapter for the school board of a borough school district and the borough assembly and executive or administrator. (Sec. 1 ch 98 SLA 1966; am Sec. 9 ch 118 SLA 1972)

Sec. 14.14.070. Organization of school board. Within seven days after the certification of the results of each regular school election, the school board shall meet and elect one of its members as president, one as clerk, and, if necessary, one as treasurer. (Sec. 1 ch 98 SLA 1966)

Sec. 14.14.080. Declaring a school board vacancy. When a member of a school board has notice of and is absent from three consecutive regular school board meetings and is not excused by the president of the school board, the other members of the school board may declare the position vacant and shall notify the ex-member by registered mail. The vacancy shall be filled as provided by AS 14.12.070. (Sec. 1 ch 98 SLA 1966)

Sec. 14.14.090. Additional duties. In addition to other duties, a school board shall

(1) determine and disburse the total amount to be made available for compensation of all school employees and administrative officers;

(2) provide for, during the school term of each year, an educational program for each school age child who is a resident of the district;

(3) withhold the salary for the last month of service of a teacher or administrator until the teacher or administrator has submitted all summaries, statistics, and reports which the school board may require by bylaw;

(4) transmit, when required by the assembly or council but not more often than once a month, a summary report and statement of money expended;

(5) keep the minutes of meetings and a record of all proceedings of the school board in a pertinent form;

(6) keep the records and files of the school board open to inspection by the public at the principal administrative office of the district during reasonable business hours. (Sec 1 ch 98 SLA 1966)

Sec. 14.14.100. Bylaws and administrative rules. (a) The school board policies relating to management and control of the district shall be expressed in written bylaws formally adopted at regular school board meetings.

(b) Administrative rules which do not embody school district policy need not be promulgated as bylaws; however, the rules shall be in written form and readily available to all school personnel. (Sec 1 ch 98 SLA 1966)

Sec. 14.14.105. Sick leave bank. A local school district board or the board of a regional educational attendance area may establish a sick leave bank to enable a teacher, because of unusual circumstances, to draw not more than twice the number of days of sick leave the teacher has accumulated before the first day of school in any school year, or 24 days, whichever is greater. The board may establish and administer the sick leave bank independently or jointly with teachers. (Sec 1 ch 76 SLA 1971; am Sec 1 ch 142 SLA 1976)

Sec. 14.14.107. Sick leave and sick leave transfer. (a) Every school district shall allow its certificated employees one and one-third days of sick leave a month with unlimited accumulation of sick leave days.

(b) A certificated school district employee who changes employment from one school district to another district, or from a school district to the Department of Education, or from the department to a school district, may transfer all of the cumulative sick leave to the new employer. It is the responsibility of the employee to notify the new employer, within 90 days of commencing work, of the number of days to be transferred.

(c) The department may implement this section by regulation. (Sec 1 ch 99 SLA 1974)

(Repealed and re-enacted Sec 1 ch 118 SLA 1978)

Sec. 14.14.110. Cooperation with other districts. (a) When necessary to provide more efficient or more economical educational services, a district may cooperate or the department may require a district to cooperate with other districts, state-operated schools, or the Bureau of Indian Affairs in providing educational services or in establishing boarding and tuition arrangements, arrangements for the exchange of pupils or teachers, or other similar arrangements. However, if a cooperative arrangement requires pupils to live away from their usual homes, the school board shall provide classes within the attendance area when there are at least eight children eligible to attend elementary and secondary school in the attendance area.

(b) The department may prescribe the terms and conditions of any contract entered into under (a) of this section. (Sec 1 ch 98 SLA 1966; am Sec 2 ch 64 SLA 1972; am Sec 2 ch 72 SLA 1974)

(c) A contract for the operation of schools on military reservations by a city or borough school district under AS 14.12.020 (a) and in (a) of this section shall include, in addition to the terms and conditions prescribed by the department under (b) of this section, provisions for the following:

(1) the educational program provided by the school district in the schools on the military reservation shall be comparable to the program provided by the school district in its nonmilitary reservation schools; and

(2) the school district shall be fully reimbursed for the cost of operation of the schools on a military reservation. (Sec. 1 ch 98 SLA 1966; am Sec. 2 ch 64 SLA 1972; am Sec. 2 ch 72 SLA 1974; am Sec. 3 ch 13 SLA 1975)

Sec. 14.14.120. Inoperative district. (a) When there are fewer than eight children eligible to attend elementary and secondary school in a district, the school board may declare the district inoperative for that school year.

(b) During the school year in which a district is inoperative, the school board shall perform those functions necessary to preserve the financial integrity of the district to preserve the property and assets of the district, and to otherwise insure against disruption of the continuity of the district business.

(c) An inoperative school board shall, if practicable, pay the tuition and boarding costs necessary to enable the school age children within the district to attend school in another district. If a child in an inoperative school district is not attending school in another district, the department shall provide correspondence courses and other materials and charge the school board of the inoperative district an amount equal to the actual cost to the department.

(d) The terms of office of a school board are not affected by a declaration that the district is inoperative. However, new board members shall not be elected during the time a district is inoperative. In the event more than three terms expire during the time a district is inoperative the functions of the school board shall be assumed by the assembly or council until the district becomes operative. When the district becomes operative an expired school board term shall be filled by the assembly or council until the next regular school election when a school board member shall be elected to serve the balance of the term. (Sec. 1 ch 98 SLA 1966)

Sec. 14.14.130. Chief school administrator. (a) Each school board shall select and employ a qualified person as the chief school administrator for the district.

(b) The chief school administrator of the district shall administer the district in accordance with the policies which the school board prescribes by bylaw.

(c) The chief school administrator shall select, appoint, and otherwise control all school district employees serving under him subject to the approval of the school board. (Sec. 1 ch 98 SLA 1966; am Sec. 1 ch 29 SLA 1969).

Sec. 14.14.140. Restriction on employment. (a) While serving on the school board, a member may not be employed by that local school board. Members of the immediate family of a school board member may not be employed by the school board except upon written approval of the commissioner.

(b) Members of the immediate family of a chief school administrator may not be employed by the chief school administrator except upon written approval of the school board. (Sec. 1 ch 98 SLA 1966; am Sec. 2 ch 29 SLA 1969; am Sec. 5 ch 24 SLA 1979)

(c) A school board member may receive compensation for time spent in the performance of his duties as a school board member if the compensation is authorized by resolution adopted by the school board. The restriction in (a) of this section does not apply to this compensation. (am Sec. 2 ch 26 SLA 1980)

Sec. 14.14.150. Association of Alaska School Boards the representative agency of board members. The association of Alaska School Boards is recognized as the organization and representative agency of the members of the school boards of the state. (Sec. 1 ch 98 SLA 1966)

Sec. 14.14.160. Cooperation and support of certain association functions. (a) The department and local districts may cooperate with the association of Alaska School Boards in its inservice training program for school board members and in encouraging and fostering cooperation among the school boards affiliated with the Association of Alaska School Boards.

(b) School districts may expend district money to carry out the provisions of (a) of this section. (Sec. 1 ch 98 SLA 1966)

Sec. 14.14.170. Repealed. (Sec. 6 ch 24 SLA 1979)

Sec. 14.14.180. Repealed. (Sec. 6 ch 24 SLA 1979)

Sec. 14.14.190. Repealed. (Sec. 6 ch 24 SLA 1979)

Sec. 14.14.200. Repealed. (Sec. 6 ch 24 SLA 1979)

Article 2. Involvement of Young People in School Governance.

Section
250. Establishment of committee
260. Composition and chairman
270. Compensation and per diem
280. Functions of the committee

Section
290. Interns
300. Appointment to district committees or other advisory bodies
310. Definitions

Sec. 14.14.250. Establishment of committee. A school board may create a committee or other advisory body on the involvement of young people in school governance. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.260. Composition and chairman. The committee may consist of not more than nine members, drawn from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, from the state or local service, and three additional members from the 17—22 age group, and shall include women and representatives of minority groups. The members shall be appointed by the board in the manner prescribed by the board without regard to political affiliation and shall serve at the pleasure of that body. One member shall be designated by the board as chairman of the committee. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.270. Compensation and per diem. Members of the committee or other advisory body serve without compensation but are entitled to per diem and travel expenses as may be authorized by the board. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.280. Functions of the committee. (a) The committee shall establish procedures to enable it to recommend annually to the board a group of promising young men and women from whom the board may select interns and youth voting members of district committees or other advisory bodies. The committee, in establishing these procedures, shall enlist the aid of district residents who are actively interested in working with young people. Following adoption of the procedures, the committee shall accept applications from individuals and nominations for consideration, and shall interview all applicants or nominees.

(b) Recommendations of the committee shall be limited to young people who

(1) have a capacity, desire, interest, ability and potential for leadership and service to the community and to the state;

(2) will have attained the age of 17 but not the age of 22 before the beginning of their service.

(c) Annually, the committee shall evaluate the program and shall submit a written report to the board. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.290. Interns. An intern may be appointed to serve on the staff of the board or the district administrator for a period of time prescribed by the board, with a maximum of one year. He may be assigned responsibilities in any office, department or agency of the district. Service will begin at a time prescribed by the board. Interns shall be appointed without regard to political affiliation. Salaries shall be individually established by the board on the basis of prior experience and the responsibilities of the position to which the intern is assigned. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.300. Appointment to district committees or other advisory bodies. (a) Notwithstanding AS 39.05.100 or a provision of law relating to age, the board may appoint any 17—21 year old district resident to a district committee or advisory body if recommended by the youth involvement committee.

(b) A young person recommended by the committee may be appointed to district committees or advisory bodies with special qualifications for membership if the proposed nominee, except for his age, meets the required qualifications set by law.

(c) An individual appointed to a district committee or advisory body under this section is entitled to the rights, privileges and responsibilities of other members, and his appointment is subject to confirmation by the board when required by law. No additional seat on a district committee or advisory body is created by virtue of secs. 250 — 310 of this chapter. (Sec. 4 ch 40 SLA 1972)

Sec. 14.14.310. Definitions. In secs 250 — 310 of this chapter

(1) "board" means the governing body of a borough or city school district or regional educational attendance area;

(2) "district" means a borough, city or regional educational attendance area.

(Sec. 4 ch 40 SLA 1972; am Sec. 11 ch 124 SLA 1975)

Chapter 17. Public School Foundation Program.

Article
1. State Aid to Local School Districts (Sec. 14.17.010 — 14.17.075)
2. Preparation of Public School Foundation Budget (Sec. 14.17.080 — 14.17.150)
3. Procedure for Payment of Public School Foundation Funds to Districts (Sec. 14.17.160 — 14.17.190)
4. General Provisions (Sec. 14.17.200 — 14.17.250)

Article 1. State Aid to Local School Districts.

10. Public School Foundation Account
20. Repealed
21. State aid
22. Funds for centralized correspondence study
30. Repealed
31. Instructional Units
40. Repealed
41. Table of allowable instructional units
50. Repealed
51. Instructional Unit Allotment
56. Base Instructional Unit
60. Repealed
61. Supplemental programs
70. Repealed
71. Required local effort
75. Repealed

Sec. 14.17.010. Public School Foundation Account. (a) The public school foundation account is established. The account consists of appropriations for distribution to districts or for centralized correspondence study programs under this chapter.

(b) The money of the account may be used only in aid of public schools or for centralized correspondence study programs as provided by this chapter.

(Sec. 1.08 ch 164 SLA 1962; Sec. (c) repealed Sec. 11 ch 95 SLA 1969; am Sec. 2 ch 190 SLA 1975)

Sec. 14.17.020. Repealed. (Sec. 1 ch 238 SLA 1970)

Sec. 14.17.021. State aid. (a) The amount of state aid for which each school district may qualify is calculated by multiplying the basic need as defined in (b) of this section by the equalized percentage as defined in (c) of this section. If permitted under sec.5(d)(2) of PL 81-874, as amended, (20 USC 240(d) and regulations adopted under it (45 CFR 115.60—115.66), the amount of state aid may be reduced by up to 80 percent of the amount of the school district's entitlement to federal financial assistance under PL 81-874, as amended, (20 USC 236—244), for the prior fiscal year. (am Sec. 2 ch 90 SLA 1977; am Sec. 3 ch 26 SLA 1980)

(b) The basic need of each school district is determined by multiplying the instructional unit allotment of the district as defined in sec. 51 of this chapter by the number of instructional units in the district.

(c) The equalized percentage for each school district is computed according to the formula $Pi = 1-(1-K)\ V_i / V_s$ in which

(1) P_i (equalized percentage) = per cent of need to be provided by the state;

(2) K (minimum level of state support of basic need) = 97 per cent; (am Sec. 1 ch 173 SLA 1976; am Sec. 3 ch 90 SLA 1977)

(3) V_i (valuation per pupil in average daily membership in the district) = full and true value of taxable real and personal property within the district divided by the average daily membership of the district;

(4) V_s = average of the valuation per pupil in average daily membership for all the districts of the state;

(5) state aid as computed under this section constitutes at least 97 per cent of the basic need, as defined by the department, of each school district. (Sec. 4 ch 238 SLA 1970; am Sec. 1, 2ch 81 SLA 1975; am Sec. 2 ch 173 SLA 1976; am Sec. 3 ch 90 SLA 1977)

Sec. 14.17.022. Funds for Centralized Correspondence Study. Funds for providing centralized correspondence study programs for students not enrolled in an approved school district correspondence study program shall include an appropriation from the public school foundation account in an amount calculated by multiplying the base instructional unit by the total number of instructional units as determined by applying the number of correspondence students to sec. 41(a) of this chapter. (Sec. 3 ch 190 SLA 1975)

Sec. 14.17.030. Repealed. (Sec. 11 ch 95 SLA 1969)

Sec. 14.17.031. Instructional Units. (a) The total number of instructional units within each school district is the sum of

(1) the number of units for elementary schools and the number of units for secondary schools as determined from sec. 41(a), (b), (c), or (d) of this chapter;

(2) the number of units for vocational education determined from sec. 41(e) of this chapter as approved by the department;

(3) the number of units from special education determined from sec. 41(f) of this chapter as approved by the department; and

(4) if the district has five or more correspondence pupils enrolled in an approved district correspondence study program, the number of units for correspondence pupils determined by applying the number of correspondence pupils to sec. 41(a) of this chapter.

(5) the number of units for bilingual education determined from sec. 41(g) of this chapter as approved by the department. (am Sec. 1 ch 115 SLA 1978)

(b) A school district shall compute separately the number of allowable instructional units for each of its elementary and secondary schools except as provided in (c) of this section. (Sec. 6 FCCS SB 199 4/18/80)

(c) The commissioner shall authorize any school in a remote location to establish an associated secondary school when the sum of the average daily membership in grades five through eight is greater than 20. Notwithstanding sec. 41 of this chapter, any school or school district operating a remote elementary school with 20 or fewer total average daily membership in grades five through eight may conduct a secondary program subject to approval of the commissioner and use the following table to calculate the number of allowable instructional units for the combined elementary and secondary program of the remote school:

ADM	No. instructional Units
under 12	3
12–20	4
21–32	5

(Sec. 4 ch 238 SLA 1970; am Sec. 3 ch 81 SLA 1975; am Sec. 4 ch 190 SLA 1975; repealed and re-enacted Sec. 5 ch 90 SLA 1977)

(d) If the instructional units which a school district is entitled to under (a) of this section decrease by 10 percent or more from one year to the next, the school district may use the last year before the reduction as a base year and offset its reduction according to the following schedule: (1) for the first year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 75 percent of the difference in instructional units between the base year and the first year; (2) for the second year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 50 percent of the difference in instructional units between the base year and the second year; (3) for the third year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 25 percent of the difference in instructional units between the base year and the third year. The schedule established in this subsection is available to a school district for the three years following the base year only so long as the entitlement to instructional units under (a)(1) of this section for each year is less than the entitlement in the base year. This subsection does not apply to a decrease in instructional units resulting from a loss of enrollment which occurs as a result of a boundary change under AS 29. (Sec. 7 FCCS SB 199 4/18/80)

(e) The commissioner may authorize a school district operating a school in a remote area to calculate the number of instructional units to which the remote school would be entitled if that school were a separate school district and to include that number of instructional units in the total number of instructional units for the district. (Sec. 8 FCCS SB 199 4/18/80)

Sec. 14.17.040. Repealed. (Sec. 1 ch 238 SLA 1970)

Sec. 14.17.041. Table of allowable instructional units. (a) Elementary Schools:

ADM	No. Instructional Units
under 32	3
32–46	4
47–62	5
63–80	6
81 & over	6 plus 1 for each 18 pupils in ADM or fraction of 18

(Sec. 9 FCCS SB 199 4/18/80)

(b) Repealed. (Sec. 20 FCCS SB 199 4/18/80)

(c) Secondary schools:

ADM	No. Instructional Units
under 30	4
30–59	6
60–89	8
90 & over	8 plus 1 for each 20 pupils or fraction of 20

(Sec. 10 FCCS SB 199 4/18/80)

(d) Repealed. (Sec. 20 FCCS SB 199 4/18/80)

(e) Vocational education schedule:

ADM Full-Time Equivalent	No. Instructional Units
5–10	1
11--25	2
26–40	3
41 & over	3 plus 1 for each 20 pupils or fraction of 20 pupils in Full-Time Equivalent ADM

(f) Special education schedule:

ADM Full-Time Equivalent	No. Instructional Units
5–8	1
9–15	2
16–24	3
25–35	4
36 & over	4 plus 1 for each 11 pupils or fraction of 11 pupils in Full-Time Equivalent ADM

(g) Bilingual education schedule:

Weighted ADM	No. Instructional Units
1–12	1
13–18	2
19–42	3
43 & over	3 plus 1 for each 24 weighted ADM or fraction fo 24 weighted ADM

(am Sec. 2 ch 115 SLA 1978)

(Sec. 4 ch 238 SLA 1970; amSec. 1 ch 137 SLA 1972; am Sec. 4 ch 81 SLA 1975; am Sec. 7 ch 90 SLA 1977)

Sec. 14.17.050. Repealed. (Sec 1 ch 238 SLA 1970)

Sec. 14.17.051. Instructional Unit Allotment. The instructional unit allotment for each school district or regional educational attendance area is as follows:

(1) for Gateway Borough School District, City and Borough of Juneau School District, and Anchorage School District, the district is entitled to receive the base instructional unit allotment;

(2) for Annette Island School District, Petersburg City School District, Wrangell City School District, Sitka Borough School District, and Matanuska-Susitna Borough School District, the district or area is entitled to receive 104 per cent of the base instructional unit allotment; (am Sec 3 ch 115 SLA 1978)

(3) for Craig City School District, Hydaburg City School District, Klawock City School District, Kake City School District, Chatham School District, Skagway City School District, Southeast Island School District, and Kenai Peninsual Borough School District, the district or area is entitled to receive 108 per cent of the base instructional unit allotment; (am Sec 4 ch 115 SLA 1978)

(4) for Pelican City School District, Hoonah City School District, and North Star Borough School District, the district or area is entitled to receive 112 per cent of the base instructional unit allotment; (am Sec 5 ch 115 SLA 1978)

(5) for Copper River School District, Cordova City School District, Valdez City School District, and Haines Borough School District, the district or area is entitled to receive 115 percent of the base instructional unit allotment;

(6) for Nenana City School District, Delta School District, Alaska Gateway School District, Upper Railbelt Regional School District, Yakutat City School District, and Chugach School District, the district or area is entitled to receive 120 percent of the base instructional unit allotment;

(7) for Adak Regional School District the area is entitled to receive 140 percent of the base instructional unit allotment;

(8) for Pribilof Islands School District, Aleutian Chain School District, King Cove City School District, Sand Point City School District, and Unalaska City School District, the district or area is entitled to receive 150 percent of the base instructional unit allotment; (am Sec. 12 ch 26 SLA 1980)

(9) for Yukon Flats School District, Dillingham City School District, Bristol Bay Borough School District, Southwest Regional School District, Lake Peninsula School District, Lower Kuskokwim School District, Galena City School District, Kuspuk School District, Yukon-Koyukuk School District, Northwest Arctic School District, Selawik City School District, Nome City School District, Bering Straits School District, Iditarod Area School District, North Slope Borough School District, Lower Yukon School District, and St. Mary's City School District, the district or area is entitled to receive 155 percent of the base instructional unit allotment.

(10) for Kodiak Island School District, the district is entitled to receive 116 percent of the base instructional unit allotment. (am Sec. 6 ch 115 SLA 1978)

(am Sec. 8 ch 90 SLA 1977)

Sec. 14.17.058. Base instructional unit value. The base instructional unit value for fiscal years beginning on or after July 1, 1980, is $34,935.

(Sec. 4 ch 238 SLA 1970; am Sec. 1 ch 88 SLA 1973; am Sec. 1 ch 140 SLA 1974; am Sec. 6 ch 81 SLA 1975; am Sec. 3 ch 173 SLA 1976; am Sec. 10 ch 90 SLA 1977; repealed and re-enacted Sec. 7 ch 115 SLA 1978; am Sec. 13 ch 26 SLA 1980)

Sec. 14.17.060. Repealed. (Sec. 1 ch 238 SLA 1970)

Sec. 14.17.061. Supplemental programs. (a) In addition to the amounts authorized to be paid to school districts under this chapter, funding of supplemental programs, on the same basis as determined in the computation of state aid for the applicable districts, may be recommended by the commissioner.

(b) Applications for supplemental program funds shall be submitted by each school district to the commissioner by September 30 of the pre-fiscal year in the form prescribed by the commissioner.

(c) Federal funds available for aid to local school districts will be included with the state's share in applying the matching ratio. (Sec. 4 ch 238 SLA 1970)

Sec. 14.17.071. Required local effort. (a) Payment of state aid to a local school district under this chapter is contingent upon matching by the district in the amount of the required local effort for that district in the ratio of required local effort: state contribution = $1:P_i / (1-P_i)$.

(b) For purposes of this section, P_i = equalized percentage as defined in sec. 21(c) of this chapter. (Sec. 4 ch 38 SLA 1970)

Sec. 14.17.075. Repealed. (Sec. 1 ch 238 SLA 1970)

Article 2. Preparation of Public School Foundation Budget

Section
80. Computation by district
81. Minimum expenditure for instruction
82. Fund Balance changes in school operating fund
90. Estimated average daily membership

Section
140. Determination of full and true value by Department of Community and Regional Affairs
150. Duty of commissioner to examine and tabulate computations

Sec. 14.17.080. Computation by district. By October 30 of the prefiscal year each district shall submit to the commissioner a preliminary report of computations for the following fiscal year of the district's basic need as defined in sec. 21 of this chapter; the amount which it expects to match under the provision of sec. 71 of this chapter; and the amount for supplemental programs which has been approved for funding consideration by the commissioner. Each district shall make the computations in the manner prescribed by secs. 80—150 of this chapter. The computations are the basis for requesting legislative appropriations and for making preliminary payments under the public school foundation program. (Sec. 2.01 ch 164 SLA 1962; am Sec. 5 ch 238 SLA 1970)

Sec. 14.17.081. Minimum expenditure for instruction. (a) Each district shall budget for and spend a minimum of 55 percent of its school operating expenditures in each fiscal year on the instructional component of the district budget.

(b) The commissioner shall reject a district budget which does not comply with (a) of this section and, unless a waiver has been granted by the state Board of Education under (d) of this section, shall withhold payments of state aid from that district, beginning with the payment for the second full month after rejection and continuing until the school board of the district revises the district budget to comply with (a) of this section.

(c) The commissioner shall review the annual audit of each district for compliance with the expenditure requirements of (a) of this section. If he determines that a district does not meet those requirements, the commissioner shall advise the district of this determination and calculate the percentage of deficiency in required expenditure and deduct that percentage from state aid paid to the district for the current fiscal year, beginning with the payment for the second full month after his determination, unless a waiver has been granted by the state Board of Education under (d) of this section.

(d) A district which has been determined by the commissioner to be out of compliance with the requirements of this section may, within 20 days of the commissioner's determination, request a waiver by the state Board of Education of the imposition by the commissioner of any reduction in state aid payments under (b) or (c) of this section. The request must be submitted to the Legislative Budget and Audit Committee and must be in writing and include an analysis of the reasons and causes for the district's inability to comply with the requirements of this section. The Legislative Budget and Audit Committee shall review the district's request and forward it, along with the committee's recommendations on it, to the state Board of Education which shall either grant or deny the waiver.

(e) The commissioner shall submit an annual report on actions taken by him or the state Board of Education under this section to the Legislative Budget and Audit Committee by April 15 of each year.
(am Sec. 15 ch 26 SLA 1980)

Sec. 14.17.082. Fund Balance changes in school operating fund. (a) Each district having at least 400 instructional units under AS 14.17.031(a) may accumulate a fund balance in the school operating fund of seven percent of its expenditures. Each district having less than 400 instructional units may accumulate a fund balance of 10 percent of its expenditures.

(b) The commissioner shall review the annual audit of each district to ascertain changes in the year-end operating fund balance of the districts, and notify districts and the state Board of Education, through a written report, of any fund balance accumulation greater than that permitted under (a) of this section.

(c) The state Board of Education shall review the reports submitted to it under (b) of this section and submit a report making recommendations with respect to the legislative treatment of the fund balances of those districts to the Legislative Budget and Audit Committee by April 1[illegible] of each year.
(am Sec. 15 ch 26 SLA 1980)

Sec. 14.17.090. Estimated average daily membership. Each district shall prepare an estimate of its average daily membership for the fiscal year. In making this estimate, the district shall consider its average daily membership in preceding years, the pattern of growth or decline in preceding years, and other pertinent information available to the district. The result of this estimate is the estimated average daily membership. (Sec. 2.02 ch 164 SLA 1962)

Sec. 14.17.100—14.17.120. Repealed. (Sec 2 ch 238 SLA 1970)

Sec. 14.17.130. Repealed. (Sec. 11 ch 95 SLA 1969)

Sec. 14.17.140. Determination of full and true value by Department of Community and Regional Affairs. (a) To determine the equalized percentage to be applied to basic need under sec. 21 of this chapter, and the matching ratio for required local effort under sec. 71 of this chapter, the Department of Community and Regional Affairs, in consultation with the assessor for each district, shall determine the full value of the taxable real and personal property in each district. Exemptions granted under ch. 129, SLA 1957, known as the Alaska Industrial Incentive Act (AS 43.25), shall be honored. If there is no local assessor or current local assessment for a district, then the Department of Community and Regional Affairs shall make the determination of full value from information available. In making the determination, the Department of Community and Regional Affairs shall be guided by AS 29.53.060. The determination of full value shall be made before October 1 and sent by certified mail, return receipt requested, before that date to the president of the school board in each district. Duplicate copies shall be sent to the commissioner. The governing body of the borough or city which is the district may obtain judicial review of the determination by filing a motion in the superior court of the judicial district in which the district is located within 30 days after receipt of the determination. The superior court may modify the determination of the Department of Community and Regional Affairs only upon a finding of abuse of discretion or upon a finding that there is no substantial evidence to support the determination.

(b) Motor vehicles subject to the motor vehicle registration tax under AS 28.10.255 shall be treated as taxable property for purposes of (a) of this section. (Sec. 2.07 ch 164 SLA 1962; am Sec. 2 ch 95 SLA. 1969; am Sec. 6 ch 238 SLA 1970; am Sec. 9 ch 200 SLA 1972; am Sec. 1 ch 218 SLA 1976; am Sec. 2 ch 256 SLA 1976)

(c) To determine the debt-to-valuation ratio to be applied to the determination of state aid for school construction under AS 43.18.105 — 43.18.135, the Department of Community and Regional Affairs, in consultation with the responsible financial officer of each municipality which is a school district, shall annually determine the debt of the municipality and report the determination to the mayor of the municipality and the commissioner of the Department of Education. The determination shall be made by October 1 of each year and shall report the outstanding debt as of July 1 each year. (am Sec. 14 ch 147 SLA 1978)

Sec. 14.17.150. Duty of commissioner to examine and tabulate computations. (a) The commissioner shall examine the preliminary reports submitted by each district to determine that they are correctly computed. If the allotments are incorrectly computed, the commissioner shall either (1) obtain a correct computation from the district, or (2) make a correct computation based on information available to him, and give notice of the corrected computation to the district. The commissioner shall review supplemental program applications and notify the district whether its supplemental program is approved for inclusion in its foundation program computations.

(b) The commissioner shall reduce these computations to a report in tabular form or another form helpful in examining the computations of the districts and shall transmit the report to the governor. The commissioner shall maintain additional copies of this report in his office as a matter of public record. This report shall be entitled "Public School Foundation Program Computations." (Sec. 2.08 ch 164 SLA 1962; am Sec. 7 ch 238 SLA 1970)

Article 3. Procedure for Payment of Public School Foundation Funds to Districts

Section
160. Allocation of funds on preliminary computations
170. Payment under adjusted computations

Section
180. Payment under final computations
190. Restrictions governing receipt and expenditure of money from public school foundation account

Sec. 14.17.160. Allocation of funds on preliminary computation. The commissioner shall determine the state aid for each school district on the basis of the pre-fiscal year computations. Beginning July 15 of the fiscal year and on the 15th of each month, for seven successive months, one-twelfth of each district's state aid shall be distributed. (Sec. 3.01 ch 164 SLA 1962; am Sec. 3 ch 95 SLA 1969; am Sec. 8 ch 238 SLA 1970)

Sec. 14.17.170. Payment Under Adjusted Computations. Each district shall make a report at the end of the first nine weeks of school, which contains a new estimate of its average daily membership for the fiscal year and other information which will aid the commissioner in making a more accurate determination of each district's state aid. This new estimate and information of average daily membership shall be the basis for the computation and distribution of each district's state aid for the balance of the fiscal year. The commissioner shall, on the basis of this new estimate and information, make a recomputation of each district's state aid. Before December 2, the commissioner shall notify each district of changes made in its state aid. The commissioner shall also determine whether the money in the public school foundation account is sufficient to meet each district's state aid for the fiscal year, and, if the money is not sufficient, he shall immediately inform the governor of the amount of additional appropriation he estimates will be necessary to carry out the public school foundation program for the rest of the fiscal year. Beginning February 15 and on the 15th of each subsequent month, one-fifth of the recomputed balance of each district's state aid shall be distributed. However, one-half of the June payment shall be withheld pending a final determination of the district's state aid.

(Sec. 3.02 ch 164 SLA 1962; am Sec. 1 ch 169 SLA 1968; am Sec. 4 ch 95 SLA 1969; am Sec. 9 ch 238 SLA 1970; am Sec. 1 ch 135 SLA 1975, effective July 1, 1975)

Sec. 14.17.180. Payment under final computation. Before June 16 each district shall transmit to the commissioner a final computation of the district's state aid. The commissioner shall process each district's computation in the manner provided by AS 14.17.150(a). However, in no event may the entitlement of a school district to state aid under AS 14.17.021 be less than that computed under this section for the preceding year, except as otherwise provided in AS 14.17.031, or under AS 14.17.170, whichever is greater. Additional state aid shall be obligated by the commissioner before June 30. If the district received more state aid money than it was entitled to under this chapter, it shall immediately, after notice from the commissioner of the overpayment, remit the amount of overpayment to the commissioner to be returned to the public school foundation account.

(Sec. 3.03 ch 164 SLA 1962; am Sec. 5 ch 95 SLA 1969; am Sec. 10 ch 238 SLA 1970; am Sec. 2 ch 135 SLA 1975, effective July 1, 1975; am Sec. 16 ch 26 SLA 1980)

Sec. 14.17.190. Restrictions governing receipt and expenditure of money from public school foundation account. (a) The public school foundation money distributed to a district during a year shall be received, held, and expended by the district subject to the provisions of law and regulations promulgated by the department.

(b) Each district shall maintain financial records of the receipt and disbursement of public school foundation money and money acquired from local effort. The records must be in the form required by the commissioner and are subject to audit by the commissioner or the board at any time. (am Sec. 6 ch 95 SLA 1969)

Article 4. General Provisions.

Section
200. Regulations
205. State aid to districts operating approved school food service programs
210. State aid to newly established district schools
215. Repealed.

Section
220. Purpose
225. Construction and implementation of chapter
230. Repealed
240. Repealed
250. Definitions

Sec. 14.17.200. Regulations. The department shall promulgate regulations to implement this chapter. (Sec. 4.01 ch 164 SLA 1962; am Sec. 6 ch 98 SLA 1966)

Sec. 14.17.205. State aid to districts operating approved school food service programs. A school district that qualifies for and provides free and reduced-price lunches to students who qualify under the Federal Nutrition Act shall receive state aid in an amount for each free or reduced-price meal equal to the federal allowances multiplied by the school district's area differential in sec. 51 of this chapter. (am Sec 11 ch 90 SLA 1977)

Sec. 14.17.210. State aid to newly established district schools. (a) A regional educational attendance area school which becomes a city or borough district school is considered a regional educational attendance area school for purposes of financial support until the expiration of a complete fiscal year after the date on which the school becomes a city or borough district school. This subsection does not prevent a local government from spending money to contribute to the financial support of a regional educational attendance area school which becomes a city or borough district school.

(b) For each subsequent fiscal year, the state shall disburse to the city or borough school district only the money to which the district is entitled under the public school foundation program.

(c) [deleted]

(Sec. 5.02 ch 164 SLA 1962; am Sec. 25 ch 53 SLA 1973; am Sec. 13 ch 124 SLA 1975)

Sec. 14.17.215. Repealed. (am Sec. 20 ch 26 SLA 1980)

Sec. 14.17.220. Purpose. It is the intention of the legislature, in enacting this public school foundation program, to assure an adequate level of educational opportunities for those in attendance in the public schools of the state. This chapter shall not be interpreted as preventing a public school district from providing educational services and facilities beyond those assured by the foundation program. (Sec. 1.01 ch 164 SLA 1962)

Sec. 14.17.225. Construction and implementation of chapter. (a) This chapter may not be construed so as to create a debt of the state.

(b) Funds to carry out the provisions of secs. 10 — 190 of this chapter may be appropriated annually by the legislature into the public school foundation account. If amounts in the account are insufficient to meet the allocations authorized under secs. 10 — 190 of this chapter, such funds as are available shall be distributed pro rata among each district based upon the district's basic need.

(c) (Repealed Sec. 1 ch 79 SLA 1971)

(d) The average daily membership allotment supplemental account is established. Funds to carry out the provisions of sec. 215 of this chapter may be appropriated annually by the legislature to the account. If amounts in the account are insufficient to meet the allocations authorized under sec. 215 of this chapter, such funds as are available shall be distributed pro rata among eligible districts based upon sec. 215 of this chapter.

(e) (Sec. 8 ch 95 SLA 1969; am Sec. 1 ch 79 SLA 1971; Repealed Sec. 1 ch 79 SLA 1971)

(f) Funds necessary to carry out the provisions of sec. 205 of this chapter may be appropriated annually to the Department of Education. If amounts appropriated are insufficient to meet the allocations authorized under sec. 205 of this chapter, such funds as are available shall be distributed pro rata among eligible districts. (am Sec 12 ch 90 SLA 1977)

Sec. 14.17.230. (Repealed Sec. 2 ch 71 SLA 1972)

Sec. 14.17.240. (Repealed Sec. 2 ch 71 SLA 1972)

Sec. 14.17.250. Definitions. In this chapter, unless the context otherwise requires

(1) "average daily membership" means the aggregate days of membership of pupils divided by the actual number of days in session for the school term;

(2) "commissioner" means the commissioner of the Department of Education;

(3) "district" means any city or borough school district;

(4) "elementary school" means a school consisting of grades one through eight, kindergarten through eight, or an appropriate combination of grades within this range;

(5) "fiscal year" means the year beginning July 1 and ending June 30 for which allotments and entitlements are computed or distributed;

(6) "pre-fiscal year" means the year immediately before the fiscal year;

(7) (Repealed Sec. 3 ch 238 SLA 1970)

(8) "public school foundation account" means the account created by sec. 10 of this chapter for use in financing education in public elementary and secondary schools;

(9) "secondary school" means a school of grades seven through twelve, or an appropriate combination of grades within that range; when grades seven, eight, nine, or ten are organized separately as a middle or junior high school, or grades ten through twelve are organized separately as a senior high school, each school is considered a separate secondary school for the purposes of this chapter if

(A) the school is conducted in a separate school plant facility;

(B) the school is accredited by the Northwest Accrediting Association;

(C) the school, if a middle or junior high school, includes a minimum ADM of 10 students in any combination of grades seven, eight or nine, if the school was in operation before July 1, 1980; or

(D) the school, if a middle or junior high school, includes a minimum ADM of 20 students in any combination of grades seven, eight or nine, if the school first began operation on or after July 1, 1980;

(Repealed and reenacted Sec. 18 ch 26 SLA 1980)

(10) Repealed. (Sec. 3 ch 238 SLA 1970)

(11) "taxable real and personal property" means all real and personal property taxable under the laws of the state, but does not include household goods and personal effects;

(12) Repealed. (Sec. 3 ch 238 SLA 1970)

(13), (14), (15), and (16) Repealed. (Sec. 2 ch 40 SLA 1971)

(17) "ADM full-time equivalent" means the quotient of the aggregate periods of pupil membership per day in specified classes, divided by the number of class periods in the school day;

(18) "instructional unit" means the aggregate of all direct and indirect services necessary to provide a standard level of instruction for a group of pupils;

(A) "direct services" include, but are not limited to supplying teacher services, textbooks, reference materials, pupil and teacher supplies, as well as utilities and custodial services;

(B) "indirect services" are those auxiliary or supporting functions that complement direct services and include, but are not limited to administration, transportation, food, attendance and activities;

(C) "instructional unit" does not include items of community service, capital outlay or debt service.

(Sec. 4.02 ch 164 SLA 1962; am Sec. 7, 8 ch 98 SLA 1966; am Sec. 3 ch 153 SLA 1966; am Sec. 18 ch 69 SLA 1970; am Sec. 3 & 11 ch 238 SLA 1970; sections repealed Sec. 2 ch 40 SLA 1971; am Sec. 14 ch 124 SLA 1975)

(19) "weighted ADM" means the number of students in average daily membership in an educational program, adjusted to reflect the level of service required by them in that program as determined by the department. (am Sec. 8 ch 115 SLA 1978)

Chapter 20. Teachers and School Officials.

Article
1. Teacher Certification (Sec. 14.20.010 — 14.20.090)
2. Employment and Tenure (Sec. 14.20.095 — 14.20.210)
3. Salaries (Sec. 14.20.220 — 14.20.275)
4. Sabbatical Leave (Sec. 14.20.280 — 14.20.350)
5. Professional Teaching Practices Act (Sec. 14.20.370 — 14.20.510)
6. Negotiation (Sec. 14.20.550 — 14.20.610)
7. Interstate Agreement on Qualification of Educational Personnel (Sec. 14.20.620 — 14.20.650)

Article 1. Teacher Certification

Section
10. Teacher certificate required
20. Requirements for issuance of certificate
30. Causes for revocation and suspension

Section
40. Applicability of the Administrative Procedure Act
90. Repealed

Sec. 14.20.010. Teacher certificate required. A person may not be employed as a teacher in the public schools of the state unless he possesses a valid teacher certificate except that a person who has made application to the department for a teacher certificate or renewal of a teacher certificate which has not been acted upon by the department may be employed as a teacher in the public schools of the state until the department has taken action on the application, but in no case may employment without a certificate last longer than three months. (am Sec. 1 ch 165 SLA 1976)

Sec. 14.20.020. Requirements for issuance of certificate. (a) The department shall issue a teacher certificate to every person who meets the requirements in (b) and (c) of this section.

(b) A person is not eligible for a teacher certificate unless he has received at least a baccalaureate degree from an institution of higher education accredited by a recognized regional accrediting association or approved by the commissioner. However this subsection is not applicable to

(1) persons employed in the state public school system on September 1, 1962;

(2) persons issued an emergency certificate during a situation which, in the judgment of the commissioner, requires the temporary issuance of a certificate to a person not otherwise qualified.

(c) The board may establish by regulation additional requirements for the issuance of certificates.

(d) The board may by regulation establish various classes of certificates. (Sec. 37—5—4 ACLA 1949; am Sec. 1 ch 76 SLA 1962; am Sec. 10 ch 98 SLA 1966; am Secs. 13, 14 ch 32 SLA 1971)

Sec. 14.20.030. Causes for revocation and suspension. The commissioner or the Professional Teaching Practices Commission may revoke or supend a certificate only for the following reasons:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner;

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;

(3) substantial noncompliance with the school laws of the state or the regulations of the department; or

(4) upon a determination by the Professional Teaching Practices Commission that there has been a violation of ethical or professional standards or contractual obligations. (Sec. 11 ch 98 SLA 1966; Sec. 1 ch 9 SLA 1975; am Sec. 1 ch 103 SLA 1976)

Sec. 14.20.040. Applicability of the Administrative Procedure Act. The administrative Procedure Act (AS 44.62) applies to all proceedings under sec. 30 of this chapter, and revocations and suspensions are final and reviewable in accordance with AS 44.62.560 — 44.62.570. (Sec. 12 ch 98 SLA 1966; Sec. 2 ch 9 SLA 1975)

Article 2. Employment and Tenure.

Section
90. Repealed
95. Right to comment and criticize not to be restricted
100. Unlawful to require statement of religious or political affiliation
110. Penalty for violation of Sec. 100 of this chapter
120. Statement of qualifications
130. Employment of teachers and administrators
140. Notification of nonretention
145. Automatic reemployment
147. Attendance area trasfer, absorption
148. Intradistrict teacher reassignments

Section
150. Acquisition of tenure rights
155. Effect of tenure rights
158. Continued contract provisions
160. Loss of tenure rights
165. Restoration of tenure rights
170. Dismissal
175. Nonretention
180. Procedure and hearing upon notice of dismissal or nonretention
185. Repealed
190. Repealed
200. Repealed
205. Judicial review
207. Definitions
210. Authority of school board or department to adopt bylaws

Sec. 14.20.090. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.20.095. Right to comment and criticize not to be restricted. No bylaw or regulation of the commissioner of education, a school board, or local school administrator may restrict or modify the right of a teacher to engage in comment and criticism outside school hours, regarding school personnel, members of the governing body of any school or school district, any other public official, or any school employee, to the same extent that any private individual may exercise the right. (Sec. 1 ch 14 SLA 1965; am Sec. 13 ch 98 SLA 1966)

Sec. 14.20.097. Duty free time. Each governing body shall allow its teachers in school facilities with four or more teachers a daily duty-free mealtime of at least 30 minutes between 11:00 a.m. and 1:00 p.m. (Sec. 1 ch 11 SLA 1969)

Sec. 14.20.100. Unlawful to require statement of religious or political affiliation. No school board, or member of a school board may require or compel a person applying for the position of teacher in the public schools of the state to state his religious or political affiliation. (Sec. 37-5-1 ACLA 1949)

Sec. 14.20.110. Penalty for violation of sec. 100 of this chapter. A person violating sec. 100 of this chapter is punishable by a fine of not more than $100. (Sec. 37-5-2 ACLA 1949)

Sec. 14.20.120. Statement of qualifications. A statement of the qualifications of each teacher and superintendent employed by the state or a school district shall be filed with the commissioner. The statement shall contain the credits earned in college, normal school, or university, and the number of years of teaching experience both in the state and elsewhere in the form and manner prescribed by the commissioner. (Sec. 37-6-5 ACLA 1949; am Sec. 5 ch 179 SLA 1957; am Sec. 12 ch 46 SLA 1970)

Sec. 14.20.130. Employment of teachers and administrators. An employer may, after January 1, issue contracts for the following school year to employees regularly qualified in accordance with the regulations of the department. The contract for a superintendent may be for more than one school year but may not exceed three consecutive school years. (Sec. 1 ch 92 SLA 1960; am Sec. 14 ch 98 SLA 1966)

Sec. 14.20.140. Notification of nonretention. (a) If a teacher who has acquired tenure rights is not to be retained for the following school year, the employer shall notify the teacher of the nonretention by writing, delivered before March 16, or by registered mail postmarked before March 16.

(b) If a teacher who has not acquired tenure rights is not to be retained for the following school year the employer shall notify the teacher of the nonretention by writing delivered on or before the last day of the school term or by registered mail postmarked on or before the last day of the school term. (Sec. 1 ch 92 SLA 1960; am Sec. 15 ch 98 SLA 1966)

Sec. 14.20.145. Automatic reemployment. If notification of nonretention is not given according to sec. 140 of this chapter a teacher is entitled to be reemployed in the same district for the following school year on the contract terms the teacher and the employer may agree upon, or if no terms are agreed upon, the provisions of the previous contract are continued for the following school year, subject to sec. 158 of this chapter. The right to be reemployed according to this section expires if the teacher does not accept reemployment within 30 days after the date on which the teacher receives his contract for reemployment. (Sec. 16 ch 98 SLA 1966)

Sec. 14.20.147. Attendance area transfer, absorption. When an attendance area is transferred from a currently operating district to, or absorbed into, a new or existing school district, the teachers for the attendance area also shall be transferred unless otherwise mutually agreed by the teacher or teachers and the chief school administrator of the new district. Accumulated or earned benefits, including but not limited to, seniority, salary level, tenure, leave, and retirement, accompany the teacher who is transferred.

(b) When a school operated by a federal agency is transferred to or absorbed into a new or existing school district the teachers shall also be transferred if mutually agreed by the teacher or teachers and the school board of the new or existing district. A teacher transferred from a federal agency school, which does not have an official salary schedule or teacher tenure in the same manner as a public school district in the state, shall be placed on a position on the salary schedule of the absorbing district; the salary may not be less than the teacher would have received in the federal agency school. If the teacher taught two or more years in the federal agency school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher shall be placed on tenure in the absorbing district.

(c) On the first day of service in the absorbing school district, a teacher transferred from a federal agency school shall be allowed the actual number of days of accumulated sick leave that the teacher has earned while teaching in Alaska. Consistent with the established district policy the absorbing district may allow credit for any other type of leave. Credit for retirement shall be allowed in accordance with AS 14.25.060.

(Sec. 1 ch 53 SLA 1972; am Secs. 1, 2 ch 150 SLA 1975)

Sec. 14.20.148. Intradistrict teacher reassignments. When a teacher is involuntarily transferred or reassigned to a position for which he is qualified, within the district, his moving expenses shall be paid unless the one-way driving distance is 20 miles or less from the teacher's present place of residence, or unless otherwise mutually agreed by the teacher and chief school administrator of the district. (Sec. 1 ch 136 SLA 1972)

Sec. 14.20.150. Acquisition of tenure rights. (a) A teacher acquires tenure rights in a district when he

(1) possesses a standard teaching certificate;

(2) has been employed as a teacher in the same district continuously for two full school years and is reemployed for the school year immediately following the two full school years.

(b) The tenure rights acquired under (a) of this section become effective on the first day the teacher performs teaching services in the district during the school year immediately following the two full school years. (Sec. 1 ch 92 SLA 1960; am Sec. 17 ch 98 SLA 1966)

Sec. 14.20.155. Effect of tenure rights. (a) A teacher who has acquired tenure rights has the right to employment within the district during continuous service.

(b) A teacher who has acquired tenure rights may agree to a new contract at any time. However, if the teacher fails to agree to a new contract, the provisions of the previous contract are continued subject to sec. 158 of this chapter. (Sec. 18 ch 98 SLA 1966)

Sec. 14.20.158. Continued contract provisions. Continuation of the provisions of a teacher's contract according to secs. 145 or 155 of this chapter does not

(1) affect the alteration of the teacher's salary in accordance with the salary schedule prescribed by state law, or in accordance with a local salary schedule applicable to all teachers in the district and adopted by bylaws;

(2) limit the right of the employer to assign the teacher to any teaching, administrative, or counseling position for which the teacher is qualified; or

(3) limit the right of the employer to assign the teacher, as is reasonably necessary, to any school in the district. (Sec. 19 ch 98 SLA 1966)

Sec. 14.20.160. Loss of tenure rights. Tenure rights are lost when the teacher's employment in the district is interrupted or terminated, or when the teacher reaches the age of 65. (Sec. 1 ch 92 SLA 1960; am Sec. 1 ch 104 SLA 1965; am Sec. 20 ch 98 SLA 1966)

Sec. 14.20.165. Restoration of tenure rights. A teacher who held tenure rights and who was retired due to disability under AS 14.25.130, but whose disability (1) has been removed, and the removal of that disability is certified by a competent physician following a physical or mental examination, or (2) has been compensated for by rehabilitation or other appropriate restorative education or training, and that rehabilitation or restoration to health has been certified by the division of vocational rehabilitation of the Department of Education, shall be restored to full tenure rights in the district from which he was retired, at such time as an opening for which he is qualified becomes available. (Sec. 1 ch 71 SLA 1975)

Sec. 14.20.170. Dismissal. (a) A teacher, including a teacher who has acquired tenure rights, may be dismissed at any time only for the following causes:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner.

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude; or

(3) substantial noncompliance with the school laws of the state, the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent.

(b) A teacher may be suspended temporarily with regular compensation during a period of investigation to determine whether or not cause exists for the issuance of a notification of dismissal according to sec. 180 of this chapter. (Sec. 2 ch 92 SLA 1960; am Sec. 21 ch 98 SLA 1966; am Sec. 1, 2 ch 104 SLA 1966)

Sec. 14.20.175. Nonretention. (a) A teacher who has not acquired tenure rights is subject to nonretention for the school year following the expiration of his contract for any cause which the employer determines to be adequate. However, at his request, the teacher is entitled to a written statement of the cause for his nonretention. The boards of city and borough school districts and regional educational attendance areas shall provide by regulation or bylaw a procedure under which a nonretained teacher may, at his request, be heard informally by the board.

(b) A teacher who has acquired tenure rights is subject to nonretention for the following school year only for the following causes:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner.

(2) immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude;

(3) substantial noncompliance with the school laws of the state, the regulations or bylaws of the department, the bylaws of the district, or the written rules of the superintendent; or

(4) a necessary reduction of staff occasioned by a decrease in school attendance.

(Sec. 22 ch 98 SLA 1966; am Sec. 1 ch 11 SLA 1968; am Sec. 13 ch 46 SLA 1970; am Sec. 15 ch 124 SLA 1975)

Sec. 14.20.180. Procedure and hearing upon notice of dismissal or nonretention. (a) An employer shall include in a notification of dismissal of a teacher who has not acquired tenure rights, or of nonretention or dismissal of a tenure teacher, a statement of cause and a complete bill of particulars.

(b) The tenure teacher may, within 15 days immediately following receipt of the notification, notify the employer in writing that he requests a hearing before the school board. The tenure teacher may require in the notification that

(1) the hearing be either public or private,

(2) the hearing be under oath or affirmation,

(3) he have the right of cross-examination,

(4) he be represented by counsel,

(5) he have the right to subpoena a person who has made allegations which are used as a basis for the decision of the employer.

(c) Upon receipt of the notification requesting a hearing, the employer shall immediately arrange for a hearing, and shall notify the tenure teacher or administrator in writing of the date, time, and place of the hearing. A written transcript, tape, or similar recording of the proceedings shall be kept. Transcribed copies shall be furnished to the tenure teacher for cost upon his request. A final decision of the school board requires a majority vote of the membership. The vote shall be by roll call. The final decision shall be written and contain specific findings of fact and conclusions of law. A written notification of the decision shall be furnished to the tenure teacher within 10 days of the date of the decision.

(Sec. 3a ch 92 SLA 1960; Sec. 23 ch 98 SLA 1966; am Secs. 2, 3 ch 11 SLA 1968; am Sec. 14 ch 46 SLA 1970; am Secs. 16 & 16 ch 124 SLA 1975)

Sec. 14.20.185. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.20.190. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.20.200. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.20.205. Judicial review. If a school board reaches a decision unfavorable to a teacher, the teacher is entitled to a de novo trial in the superior court. However, a teacher who has not attained tenure rights is not entitled to judicial review according to this section. (Sec. 24 ch 98 SLA 1966; am Sec. 1 ch 148 SLA 1966; am Sec. 4 ch 11 SLA 1968; am Sec. 18 ch 124 SLA 1975)

Sec. 14.20.207. Definitions. In secs. 10 — 210 of this chapter

(1) "teacher" means a person serving in a teaching, counseling, or administrative capacity and required to be certificated in order to hold the position;

(2) "employer" means the school board or superintendent which appoints the teacher;

(3) "school year" includes "school term" if the teacher is employed only for the period of the school term;

(4) "continuous employment" means employment which is without interruption except for temporary absences approved by the employer or its designee, or except for the interval between consecutive school terms if the teacher is employed only for the months of the school term;

(5) "nonretention" means the election by an employer not to reemploy a teacher for the school year or school term immediately following the expiration of the teacher's current contract; and

(6) "dismissal" means termination by the employer of the contract services of the teacher during the time a teacher's contract is in force, and termination of the right to the balance of the compensation due the teacher under his contract. (Sec. 25 ch 98 SLA 1966; am Sec. 15 ch 46 SLA 1970; am Sec. 19 ch 124 SLA 1975)

Sec. 14.20.210. Authority of school board or department to adopt bylaws. A school board or the department may adopt teacher tenure bylaws not in conflict with the regulations of the department or state law. (Sec. 4 ch 92 SLA 1960; Sec. 26 ch 98 SLA 1966)

Article 3. Salaries.

Section		Section	
220.	Minimum teachers' salary scale by area	250.	Repealed
230.	Administrators' salaries	260.	Repealed
240.	Repealed	270.	Repealed
245.	Repealed	275.	Definitions

Sec. 14.20.220. Minimum teachers' salary scale by area. (a) The school board of each school district shall pay a regularly qualified teacher employed by it a salary not less than that set out in this subsection plus the regional adjustments set out in (b) and (c) of this section.

(1) The base salary of a teacher with three years' training is $8,000 for a teacher with no school experience in or outside the state. The salary is augmented by $200 for each year of school experience in or outside the state up to and including four years. This subsection applies only to teachers employed in the state before July 1, 1970.

(2) The base salary for a teacher holding a bachelor's degree and having the requisite number of hours in education is $9,500. This salary is augmented by the sum of .04 times the base for each year of school experience in the state up to and including seven years. Teachers transferring experience from outside the state are subject to (e) of this section.

(3) The base salary for a teacher having a master's degree and the required number of hours of education is $10,900. This salary is augmented by the sum of .04 times the base for each year of school experience in the state up to and including 11 years. Teachers transferring experience from outside the state are subject to (e) of this section.

(b) The school board of each school district in the Central area and in election districts 6 and 11 shall pay the amount set out in (a) of this section plus five per cent of the base salary.

(c) The school board of each school district in the Northwest area, in that part of the Central area lying north of the Arctic Circle, and in those parts of the Southcentral and Central areas lying west of 152 degrees West longitude, excluding election districts 6 and 11, shall pay the amount set out in (a) of this section plus 10 per cent of the base salary.

(d) Repealed. (Sec. 35 ch 46 SLA 1970, effective July 1, 1971)

(e) For teachers holding bachelors' degrees not more than six years of school experience outside the state may be substituted for a like period of school experience in the state when a teacher's position on the salary scale is established and for teachers holding master's degrees not more than eight years of school experience outside the state may be substituted for a like period of school experience in the state when a teacher's position on the salary scale is established.

(f) The salary for a certificated substitute teacher teaching in a public school in the state may not be less than 75 per cent of 1/180th of the base salary for the applicable area.

(g) In this section "school experience" means a full-time elementary or secondary teacher in a public or nonpublic school as defined in AS 14.25.220(19) and (20). (Sec. 37-6-1 ACLA 1949; am Sec. 1 ch 69 SLA 1949; am Sec. 1 ch 104 SLA 1951; am Sec. 1 ch 104 SLA 1953; am Sec. 1 ch 176 SLA 1955; am Sec. 1 ch 179 SLA 1957; am Sec. 1 ch 51 SLA 1961; am Sec. 1 ch 54 SLA 1963; am Sec. 1 ch 160 SLA 1966; am Secs. 1, 2, 3 ch 208 SLA 1968; Secs. 1, 2 ch 209 SLA 1968; am Secs. 16 & 35 ch 46 SLA 1970; repealed and reenacted Sec. 1 ch 229 SLA 1970)

Sec. 14.20.230. Administrators' Salaries. School boards of city and borough school districts and regional educational attendance areas shall pay a qualified school administrator a salary not less than the allowable amount for his position on the teachers' scale provided in sec. 220(a) — (c) of this chapter, plus

(1) 25 per cent for the chief school administrator of a district with an average daily membership of 500 or more;

(2) 20 per cent for the chief school administrator of a district with an ADM of less than 500;

(3) 15 per cent for a principal or other administrator;

(4) 10 per cent for an assistant principal.

(Sec. 37-6-2 ACLA 1949; am Sec. 2 ch 69 SLA 1949; am Sec. 2 ch 104 SLA 1951; am Sec. 2 ch 104 SLA 1953; am Sec. 2 ch 176 SLA 1955; am Sec. 2 ch 179 SLA 1957; AM Sec. 2 ch 51 SLA 1961; am Sec. 2 ch 54 SLA 1963; am Sec. 2 ch 160 SLA 1966; am Sec. 17 ch 46 SLA 1970; repealed and reenacted Sec. 2 ch 229 SLA 1970; am Sec. 20 ch 124 SLA 1975)

Sec. 14.20.240 — 14.20.270. Repealed. (Sec. 6 ch 229 SLA 1970)

Sec. 14.20.275. Definitions. In sec. 220 of this chapter

(1) "Central area" means that area included within the boundaries of election districts 13,14, 15, and 16;

(2) "Northwest area" means that area included within the boundaries of election districts 17, 18, and 19;

(3) "Southcentral area" means that area included within the boundaries of election districts 6, 7, 8, 9, 10, 11, and 12;

(4) "Southeastern area" means that area included within the boundaries of election districts 1, 2, 3, 4, and 5. (Sec. 5 ch 160 SLA 1966)

Article 4. Sabbatical Leave.

Section
280. Basis of leave
290. Application
300. Selection of teachers
310. Amount of sabbatical leave and compensation
320. Responsibility of teacher

Section
330. Position, tenure and retirement
340. Military service and previous leaves of absence
345. Leave of absence without pay
350. Definitions

Sec. 14.20.280. Basis of leave. A teacher who has rendered active service for seven or more years in a district is eligible for sabbatical leave. Sabbatical leave may be taken for educational purposes only, and for not more than one school year. (Sec. 1 ch 134 SLA 1962; am Sec. 1 ch 62 SLA 1964; am Sec. 2 ch 104 SLA 1965; am Sec. 27 ch 98 SLA 1966; am Sec. 1 ch 168 SLA 1968)

Sec. 14.20.290. Application. A teacher who wishes to take sabbatical leave must apply to the governing body of the school district. The teacher must submit information showing his qualifications for sabbatical leave and a plan for his education during the leave. (Sec. 2 ch 134 SLA 1962; am Sec. 28 ch 98 SLA 1966)

Sec. 14.20.300. Selection of teachers. (a) The governing body of the school district has the responsibility for selection of the teachers to be granted sabbatical leave.

(b) In selecting teachers for sabbatical leave, the governing body shall consider the benefit which the school district will derive from the proposed plan of the teacher for educational purposes, the field of study of the teacher, the contributions of the teacher to education in Alaska, and the seniority of the teacher. (Sec. 3 ch 134 SLA 1962; repealed and reenacted Sec. 29 ch 98 SLA 1966)

Sec. 14.20.310. Amount of sabbatical leave and compensation. (a) The number of teachers eligible for sabbatical leave which may be allowed under secs. 280 — 350 of this chapter is as follows:

(1) not more than one-half of one per cent of the total number of teachers from all borough and city school districts and the state-operated school district may be on state-supported sabbatical leave in any year;

(2) any number of teachers may be on sabbatical leave at school district or personal expense.

(b) A teacher on state-supported sabbatical leave is entitled to one-half his base salary to be paid by the department.

(c) A teacher on sabbatical leave at district expense is entitled to an amount of salary to be determined by the school board. (Sec. 4 ch 134 SLA 1962; am Sec. 3 ch 104 SLA 1965; am Sec. 30 ch 98 SLA 1966; am Sec. 2 ch 168 SLA 1968)

Sec. 14.20.320. Responsibility of teacher. Upon the return of a teacher to his teaching position, the teacher shall make a report to the governing body concerning his educational accomplishments. A teacher who does not serve for at least a full year after his return shall refund to the district, if the sabbatical leave was at district expense, or to the board of state-operated schools, if the sabbatical leave was state-supported, money paid to him under sec. 310 of this chapter unless his failure to serve a full year after return is attributable to sickness, injury or death. (Sec. 5 ch 134 SLA 1962; am Sec. 4 ch 104 SLA 1965; am Sec. 31 ch 98 SLA 1966; am Sec. 20 ch 46 SLA 1970, effective July 1, 1971)

Sec. 14.20.330. Position, tenure, and retirement. (a) Unless it is otherwise agreed, a teacher returning from sabbatical leave shall return to the position which he occupied before he left.

(b) A sabbatical leave is not an interruption of the continuous service necessary to attain or retain tenure under secs. 150, 155, or 160 of this chapter. However, the time spent on sabbatical leave may not be counted in determining when a teacher has sufficient service to enable him to acquire tenure rights.

(c) A sabbatical leave is not a break in service for retirement purposes. Payment into the retirement fund shall be made on the basis of full salary. (Sec. 6 ch 134 SLA 1962; repealed and reenacted Sec. 32 ch 98 SLA 1966)

Sec. 14.20.340. Military service and previous leaves of absence. To determine eligibility for sabbatical leave, tours of military service and leave of absence granted before July 1, 1963, are not considered years of service. (Sec. 7 ch 134 SLA 1962; am Sec. 2 ch 62 SLA 1964)

Sec. 14.20.345. Leave of absence without pay. (a) A teacher may be granted a leave of absence without pay for the purposes which may be approved by the governing body of the district if

(1) his application is approved by the governing body of the district; and

(2) he agrees to return to employment in a public school not later than the beginning of the school year following termination of the period for which the leave of absence was granted.

(b) A leave of absence is not an interruption of the continuous service necessary to attain or retain retirement or tenure rights according to secs. 150, 155, or 160 of this chapter. However, the time spent on leave of absence may not be counted in determining when a teacher has sufficient service to enable him to acquire retirement or tenure rights.

(c) The leave of absence is not a break in service for retirement purposes.

(d) The governing body of the district may agree to continue the teacher's retirement contributions if the teacher agrees to pay the required seven per cent of the salary he would have received during his leave of absence and reimburse the district for the district's required retirement contribution. Each year of leave of absence then would count as a year of retirement service.

(e) The governing body of the district may advance the teacher on the district salary schedule when he returns to employment if the governing body determines that the teacher's leave of absence was educationally or professionally beneficial to the teacher or the district.

(f) A teacher may make contributions to the retirement fund for each year or portion of a year of leave of absence taken. The contribution shall include the required per cent of the salary he would have received had he not taken the leave of absence, plus the required employer and state contributions that would have been made. Compound interest at the rate prescribed by regulation shall be added as computed from the beginning date of the leave of absence to the date the teacher pays the contribution. (Sec. 5 ch 104 SLA 1965; am Secs. 33, 34 ch 98 SLA 1966; am Sec. 1 ch 44 SLA 1971; am Sec. 1 ch 184 SLA 1972; am Sec. 2 ch 99 SLA 1974)

Sec. 14.20.350. Definitions. In sec. 280 — 350 of this chapter

(1) "teacher" means a certificated member of the teaching, supervisory, or administrative corps in the public schools of the state;

(2) "department" means the Department of Education. (Sec. 8 ch 134 SLA 1962)

Article 5. Professional Teaching Practices Act.

Section
370. Teaching profession
380. Creation of a commission
390. Appointment and qualifications
400. Composition of the commission
410. Selection of members
420. Term of office
430. Dismissal
440. Reimbursement

Section
450. Responsibilities of commission
460. Duties of commission
470. Powers of commission
475. Applicability of the Administrative Procedure Act 46
480. Effect of standards
500. Support
510. Short title

Sec. 14.20.370. Teaching profession. Teachers required by Alaska law to be certificated, instructors in institutions of higher learning, school administrators, school program administrators, and school counselors are within the teaching profession. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.380. Creation of a commission. There is a commission of professional educators known as the Professional Teaching Practices Commission. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.390. Appointment and qualifications. The commission consists of nine members appointed by the governor and confirmed by a majority of the members of the legislature in joint session. Each member, in addition to having been actively engaged in the teaching profession for at least five years immediately preceding his appointment, shall be a citizen of the United States and a resident of the state. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.400. Composition of the commission. The commission consists of the following members:

(1) five classroom teachers;

(2) one principal;

(3) one superintendent;

(4) one representative of the office of the commissioner of education;

(5) one representative of an Alaska institution of higher learning. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.410. Selection of members. (a) Members of the commission shall be selected as follows:

(1) the five classroom teachers from lists of names submitted by recognized Alaska teachers organizations, each list not to exceed 12 names; however, in lieu of one of the five, one classroom teacher may be selected from a list of not more than four names signed and submitted by not less than 25 teachers who have no affiliation with any organization qualified to submit nomination lists, with the limitation that no teacher may sign more than one list in any year;

(2) the principal from a list of three names submitted by the Alaska Principals Association;

(3) the superintendent from a list of three names submitted by the Superintendents Advisory Commission;

(4) the respresentative of the office of the commissioner of education from a list of three names submitted by the commissioner;

(5) the representative of an Alaska institution of higher learning from lists of names submitted by Alaska institutions of higher learning, each list not to exceed three names.

(b) The lists shall be submitted to the commissioner who shall submit them as a group to the governor's office.

(c) At least 30 days before a position on the commission is due to become vacant, the chairman shall cause notice of the impending vacancy to be published and to be conveyed to each organized group eligible to submit a list of nominees. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.420. Term of office. (a) The term of office for each member of the commission is three years and until a successor is appointed, except that members of the first commission shall be appointed as follows: three members for one year, three members for two years, and three members for three years. Members of the first commission shall draw by lot for the initial term of appointment.

(b) Vacancies shall be filled by appointment by the governor for the unexpired term.

(c) No individual may serve more than a total of two 3-year terms.

(d) The commission shall select a chairman from among its members. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.430. Dismissal. Any member may be removed by the governor for misconduct, malfeasance or nonfeasance in office, or incapacity. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.440. Reimbursement. Members of the commission shall receive per diem according to law and are to be granted administrative leave with full pay by their employer for time spent in the performance of official duties under secs. 370—510 of this chapter. If a member is required to spend more than 15 days in a fiscal year in the performance of his official duties under secs. 370—510 of this chapter, the state shall reimburse the employer for costs incurred after the 15th day. (Sec. 35 ch 98 SLA 1966; Sec. 1 ch 4 SLA 1975)

Sec. 14.20.450. Responsibilities of commission. (a) The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:

(1) ethical and professional performance;

(2) preparation for and continuance in professional services; and

(3) contractual obligations. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.460. Duties of commission. The commission shall

(1) establish procedures, and adopt rules to implement the purposes of secs. 370—510 of this chapter;

(2) conduct investigations and hearings on alleged violations of ethical or professional teaching performance, contractual obligations, and professional teaching misconduct;

(3) review the regulations of the department as they relate to teacher certification and recommend necessary changes;

(4) review the decisions of the department regarding the issuance or denial of certificates and in its discretion recommend reversal of decisions. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.470. Powers of commission. The commission may

(1) study proposals developed by regular committees of any existing professional organization whose members are within the teaching profession;

(2) subpoena witnesses, place them under oath, and maintain written records;

(3) warn or reprimand members of the teaching profession, if in the judgment of the commission such action is warranted;

(4) suspend or revoke the certificate of a member of the teaching profession for one of the reasons set out in sec. 30 of this chapter except that in the case of an administrator, the commissioner of education must concur; (am Sec. 2 ch 103 SLA 1976)

(5) make any recommendation to the board or to school boards which will promote an improvement in the teaching profession;

(6) request assistance through any of the investigative processes of any existing professional teaching organizations when analyzing charges of breach of ethical or professional teaching practices;

(7) appoint an executive secretary, delegate those ministerial functions to him as the commission may decide and set his compensation with a starting salary not exceeding range 26, step B of AS 39.27.010.

(b) A decision issued by the commission with the approval of the commissioner of education under (a)(4) of this section is final.

(Sec. 35 ch 98 SLA 1966; am Sec. 1 ch 77 SLA 1972; am Secs 3 & 4 ch 9 SLA 1975)

Sec. 14.20.475. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under secs. 370 — 510 of this chapter. (Sec. 5 ch 9 SLA 1975)

Sec. 14.20.480. Effect of standards. Members of the teaching profession are obligated to abide by the professional teaching standards adopted by the commission. (Sec. 35 ch 98 SLA 1966)

Sec. 14.20.500. Support. In addition to available state funds, the commission shall also be financed by members of the profession in accordance with regulations promulgated by the department including, if necessary, an increase in the fees for certificates. (Sec. 35 ch 98 SLA 1966; am Sec. 1 ch 73 SLA 1973)

Sec. 14.20.510. Short title. Secs. 370 —510 of this chapter shall be known as the Professional teaching Practices Act. (Sec. 35 ch 98 SLA 1966)

Article 6. Negotiation and Mediation.

Section
550. Negotiation with Certificated Employees
555. Optional Coordinated Employee Negotiations
560. Teachers bargaining groups
570. Mediation board
580. Duties of mediations board
590. Grievance procedures
600. Individual cases
610. Legal responsibilities of boards

Sec. 14.20.550. Negotiation with Certificated Employees. Each city, borough and regional school board, shall negotiate with its certificated employees in good faith on matters pertaining to their employment and the fulfillment of their professional duties. (Sec. 1 ch 18 SLA 1970; am Sec. 3 ch 71 SLA 1972; am Sec. 21 ch 124 SLA 1975)

Sec. 14.20.555. Optional Coordinated Employee Negotiations. (a) Negotiations between the certificated employees of the regional educational attendance areas and the respective regional school boards shall be conducted by one team representing all the certificated employees, one team representing all the certificated administrative personnel if they have joined together to negotiate independently as provided in sec. 560(f) of this chapter, and one team representing all the participating regional school boards.

(b) Each team may consist of as many members as there are regional school boards. Each board is entitled to one member on the team. However, each negotiating team shall consist of not less than five members.

(c) A regional educational attendance area board may by resolution choose to conduct its own negotiations in accordance with sec. 550 of this chapter.

(Sec. 22 ch 124 SLA 1975)

Sec. 14.20.560. Teachers' bargaining groups. (a) When a majority of the certificated employees in a school district have designated an educational organization of their own choosing to bargain for them, the organization shall be recognized by the school board as the bargaining agent for all the certificated staff, except superintendents of schools. The membership of any such recognized educational organization shall be composed principally of those employed in the teaching profession in Alaska.

(b) The organization representing a majority of the certificated employees of a school district shall, upon the request of the school board, submit an affidavit verifying that it does represent a majority of the certificated employees. Recognition of the employee bargaining agency by a school board is valid for one year or a term agreed upon by the two parties to an agreement, unless a majority of certified staff votes to request the termination of recognition of the employee bargaining agency. The school board is entitled to an affidavit of membership from the employee bargaining agency once each year.

(c) Upon the request of 25 percent of the certificated employees in a district, the school board shall hold, within 20 days, an election by secret ballot of all the certificated employees in order to determine their choice of a bargaining agency. The results of this election are binding for one year.

(d) A school board shall, upon the written request of the employee bargaining organization, meet with the representative of the organization within 20 days of the request at a time and place to be mutually agreed upon. In the same manner, representatives of an employee bargaining organization are required to meet with a school board or its representatives within 20 days after receiving a written request. The school board and the employee organization may not select more than five representatives each to negotiate for them.

(e) The negotiating meeting may be held in executive session upon mutual agreement of both parties, but all final agreements shall be made at a public meeting of the school board.

(f) Nothing in this section shall be construed to prevent certificated administrative personnel groups, including principals and assistant principals, from having the right to negotiate independently of the other certificated personnel if they choose to do so as the result of a secret ballot. (Sec. 1 ch 18 SLA 1970; am Sec. 1 ch 43 SLA 1971)

Sec. 14.20.570. Mediation. (a) Upon the written request for mediation by an employee bargaining agency or a school board, and upon certification by the requesting party that the parties cannot agree on an independent private mediator and that good faith negotiations have terminated in an impasse, the following occurs:

(1) Within seven days of the certification the requesting party shall ask the United States Federal Mediation and Conciliation Service to serve as the agency to resolve the dispute.

(2) The mediator shall chair all mediation meetings between the disputing parties and attempt to resolve the differences between the disputing parties and reach common acceptance of terms and conditions or other items in dispute wherever possible.

(3) Within 30 days of the initial meeting of the parties to the dispute the mediator shall have reduced all the agreed terms, conditions and other items to a written contract. If mutually agreed the period for reporting the contract to both parties may be extended.

(4) Each party to the dispute may select a team of not more than five persons to present the evidence, thinking and position of the group they represent, to the mediator.

(b) If the mediation meetings are held during the school day, teachers representing an employee bargaining agency shall be released from classroom or other assigned duties without penalty or loss of pay.

Sec. 14.20.580. The Mediation Report. (a) Within 10 days each party to the dispute shall accept or reject in total the mediation report.

(b) If rejected by either party, the mediator shall have an additional five days to review the objections and prepare a final report.

(c) If the final report is rejected by either side, the governor may appoint an advisory arbitrator to review the issues and make recommendations for solution. (Sec. 1 ch 18 SLA 1970; am Sec. 2 ch 201 SLA 1975)

Sec. 14.20.590. Grievance Procedures. Negotiations agreements executed after the effective date of this Act shall define "grievances" and provide for grievance procedures for the certificated staff. The grievance procedures shall provide that the final step in the procedure shall be binding arbitration. The negotiations agreement shall provide a method for the selection of an arbitrator. (Sec. 1 ch 18 SLA 1970; am Sec. 3 ch 201 SLA 1975)

Sec. 14.20.600. Individual cases. Nothing in secs. 550—590 of this chapter prohibits an employee from addressing a school board, as an individual, through the regular procedures of the school board for hearing individual cases. (Sec. 1 ch 18 SLA 1970)

Sec. 14.20.610. Legal responsibilities of boards. Nothing in secs. 550—600 of this chapter may be construed as an abrogation or delegation of the legal responsibilities, powers, and duties of the school board including its right to make final decisions on policies. (Sec. 1 ch 18 SLA 1970)

Article 7. Interstate Agreement On Qualification of Educational Personnel

Section
620. Entry into agreement
630. Terms and provisions of agreement

Section
640. Designated state official to make contracts
650. Filing and publishing of contracts

Sec. 14.20.620. Entry into agreement. The Interstate Agreement on Qualification of Educational Personnel is enacted into law and entered into in behalf of the State of Alaska with all other states and jurisdictions legally joining in it in a form substantially as contained in sec. 630 of this chapter. (Sec. 1 ch 83 SLA 1970)

Sec. 14.20.630. Terms and provisions of agreement. The terms and provisions of the agreement referred to in sec. 620 of this chapter are as follows:

Interstate Agreement on Qualification of Educational Personnel

Article I. Purpose, Findings, and Policy

(1) The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

(2) The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II. Definitions.

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

(2) "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

(3) "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

(4) "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

(5) "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

(6) "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III. Interstate Educational Personnel Contracts.

(1) The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

(2) Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

(3) No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

(4) Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

(5) The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

(6) A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV. Approved and Accepted Programs.

(1) Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational personnel within that state.

(2) To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V. Interstate Cooperation.

The party states agree that:

(1) They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

(2) They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI. Agreement Evaluation.

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

Article VII. Other Arrangements.

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII. Effect and Withdrawal.

(1) This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

(2) Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

(3) No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX. Construction and Severability.

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters. (Sec. 1 ch 83 SLA 1970)

Sec. 14.20.640. Designated state official to make contracts. The designated state official to make contracts on behalf of the state according to Article III of the agreement shall be the commissioner of education. (Sec. 1 ch 83 SLA 1970)

Sec. 14.20.650. Filing and publishing of contracts. True copies of all contracts made on behalf of this state according to the agreement shall be kept on file in the office of the commissioner of education and in the office of the secretary of state. The Department of Education shall publish all the contracts in convenient form. (Sec. 1 ch 83 SLA 1970)

Chapter 25. Teachers Retirement

Article
1. Teachers' Retirement System (Sec. 14.25.010—14.25.220)

Article 1. Teachers' Retirement System

Section
10. Retirement system established
12. Purpose and effective date
15. Administrator
20. Powers of the administrator
22. Regulations
30. Duties of the administrator
35. Teachers' Retirement Board
40. Membership
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Sec. 14.25.010. Retirement system established. A joint contributory retirement system for teachers of the state is created. (Sec. 1 ch 145 SLA 1955; am Sec. 1 ch 89 SLA 1960)

Sec. 14.25.012. Purpose and effective date. (a) The purpose of this chapter is to encourage qualified teachers to enter and remain in service with participating employers by establishing a system for the payment of retirement, disability, and death benefits to or on behalf of the members.

(b) The system created became effective as of July 1, 1955, at which time contributions by the participating employers and members began.

(am Sec. 1 ch 13 SLA 1980)

Sec. 14.25.015. Administrator. The commissioner shall appoint an administrator of the system. (am Sec. 1 ch 13 SLA 1980)

Sec. 14.25.020. Powers of the administrator. (a) The administrator may

(1) promulgate and issue appropriate regulations having the force of law to implement this chapter and to cover matters not expressly touched upon or anticipated but implied by this chapter;

(2) make expenditures from the retirement fund necessary to administer this chapter.

(b) The administrative expenditures permitted by (a) (2) of this section shall be included in the governor's budget for each fiscal year and are subject to appropriation by the legislature. (Sec. 4 ch 145 SLA 1955; am Sec. 2 ch 142 SLA 1957; am Sec. 3 ch 89 SLA 1963)

Sec. 14.25.022. Regulations. Regulations promulgated by the administrator under section 10—220 of this chapter relate to the internal management of a state agency and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (Sec. 1 ch 13 SLA 1963)

Sec. 14.25.030. Duties of the administrator. The administrator shall

(1) establish and maintain an adequate system of accounts for the retirement fund;
(2) approve or disapprove claims for retirement salary;
(3) serve as secretary of the board and keep an official record of all proceedings;
(4) publish annually a report showing the financial condition of the retirement fund; and
(5) do whatever else may be necessary to carry out the purposes of this chapter.

(Sec. 4 ch 145 SLA 1955; am Sec. 2 ch 142 SLA 1957; am Sec. 3 ch 89 SLA 1960; am Sec. 2 ch 13 SLA 1980)

Sec. 14.25.035. Teachers' Retirement Board. (a) There is established the Alaska Teachers' Retirement Board consisting of five members appointed by the governor for overlapping three-year terms. One member shall be a resident who is receiving retirement benefits under this chapter. Statewide teacher organizations may submit to the governor a list of recommended nominees to serve on the board. (am Sec. 1 ch 61 SLA 1972)

(b) Members of the board serve without compensation except that each member may be reimbursed for actual and necessary expenses at the rate established in AS 39.20.180.

(c) The board shall confer with the commissioners of administration and revenue regarding the administration and the investment policies of the Teachers' Retirement Fund and may make such recommendations to them as they consider necessary.

(d) The board shall be furnished reports relating to the condition and administration of the retirement fund which shall be distributed for the information of the members of the system.

(e) The board shall serve as an appeal board and shall hold hearings at the request of an employer, member, annuitant, or any beneficiary on decisions made by the administrator. The board shall submit its findings to the administrator. The board shall hold annually one or more public hearings to discuss proposed changes in the system and to consider and adopt resolutions which might apply to this system. (Executive order no. 26, SLA 1964; am Sec. 2 ch 85 SLA 1969; am Sec. 3 ch 13 SLA 1980)

(f) The board shall meet at the call of the chairman, any three members, or at the request of the commissioner of administration.

(g) Expenses for the board and its operation shall be paid from the teachers' retirement fund. (Executive Order No. 26, SLA 1964 Secs. 1—3 ch 85 SLA 1969; am Sec. 1 ch 61 SLA 1972)

(h) The board may waive the requirements of AS 14.25.173 in accordance with AS 14.25.175. (am Sec. 2 ch 81 SLA 1979)

Sec. 14.25.040. Membership. (a) A teacher or member contracting for service with a participating employer is subject to this chapter. (Repealed and reenacted Sec. 1 ch 169 SLA 1976)

(b) A state legislator who was an active member of this system under other sections of this chapter within the 12 months immediately preceding his election to office may elect to be an active member of this system for as long as he serves continuously as a state legislator, subject to the requirements of (c) of this section, if, within 90 days after taking the oath of his office,

(1) he directs his employer in writing to

(A) pay into this system the employer contributions required for a member under this chapter; and

(B) deduct from his salary and pay into this system

(i) the employee contributions required for a member under this chapter;

(ii) an amount equal to the difference between the total employer and state contributions required for a member under this chapter and the employer contributions which would be required under the public employees' retirement system; and

(2) notice is given the administrator in writing.

(c) A state legislator is not entitled to elect membership under (b) of this section if he is covered for the same period of service under the public employees' retirement system (AS 39.35). An election of membership under (b) of this section is retroactive to the date the state legislator took the oath of his office. A state legislator may not receive membership credit under (b) of this section for legislative service performed before the legislative session during which he elected membership under (b) of this section. In order to continue in membership service under (b) of this section, the state legislator must earn at least 0.3 years of membership service under other sections of this chapter during each five-year period. (am Sec. 1 ch 82 SLA 1979)

Sec. 14.25.043. Reemployment of retired members. If a retired member again becomes an active member, benefit payments may not be made during the period of reemployment. The retirement benefit must be suspended for the entire school year if the teacher is reemployed as an active teacher for a period equivalent to a year of service. During the period of reemployment, deductions from the member's salary will be made in accordance with AS 14.25.050. Upon subsequent retirement, the retired member is entitled to receive an additional benefit based on the credited service and the average base salary during the period of reemployment in accordance with AS 14.25.110. (am Sec. 4 ch 13 SLA 1980)

Sec. 14.25.045. Participation by National Education Association employees. (a) An employee or former employee of the National Education Association of Alaska may participate in the retirement fund under this chapter if

(1) the employee or former employee possesses or is eligible to possess a teacher certificate under AS 14.20.020 and

(2) the employee or former employee or the National Education Association Alaska pays all retroactive contributions required to be made under this chapter.

(b) For purposes of computing the period of time for which retroactive contributions may be due, an employee or former employee may count employment with the National Education Association of Alaska since July 1, 1956.

(am Sec. 4 ch 99 SLA 1975; am Secs. 1 and 2 ch 98 SLA 1975)

Sec. 14.25.050. Contributions by teachers. (a) Beginning July 1, 1970, each teacher shall contribute to the retirement fund an amount equal to seven percent of his base salary accrued from July 1 to the following June 30. The contribution shall be deducted by the employer at the end of each payroll period.

(b) Each teacher is entitled to receive credit for unrefunded contributions paid into the retirement fund of 1945. (Sec. 6 ch 145 SLA 1955; am Sec. 4 ch 89 SLA 1960; am Sec. 3 ch 78 SLA 1962; am Sec. 1 ch 84 SLA 1969; am Sec. 1 ch 138 SLA 1970; am Sec. 1 ch 128 SLA 1977)

Sec. 14.25.055. Supplemental contributions by teachers. If a teacher is married or has a minor child and wishes to make his spouse or minor child eligible for a spouse's pension or a survivor's allowance, he may elect to make a supplemental contribution of an additional one percent of his base salary within 90 days of his entry into participation in the system, or within 90 days of his marriage, or within 90 days of the birth or adoption of a child dependent upon him, or during any open enrollment period authorized by the Teachers' Retirement System Board. Once an election is made under this section, supplemental contributions must be made whenever contributions are required under AS 14.25.050 unless the teacher executes a written waiver with the administrator. The execution of a waiver relinquishes all rights and benefits previously accrued under AS 14.25.162 and 14.25.164. (Sec. 2 ch 151 SLA 1966; am Sec. 1 ch 45 SLA 1967; am Sec. 2 ch 84 SLA 1969; am Sec. 2 ch 138 SLA 1970; am Sec. 2 ch 66 SLA 1973; am Sec. 2 ch 128 SLA 1977; am Sec. 5 ch 13 SLA 1980)

Sec. 14.25.080. Arrearage indebtedness. (a) If a member has military service or Alaska Bureau of Indian Affairs (BIA) service, or if a member joined the system before July 1, 1978, and has creditable outside service, the member is indebted to the retirement fund as follows:

(1) At the time of first becoming a member of the system, the arrearage indebtedness is seven percent of the base salary multiplied by the total number of years of creditable outside, military and Alaska BIA service. Compound interest at the rate prescribed by regulation shall be added to the arrearage indebtedness beginning July 1, 1963, or at the time of first becoming employed as a member, whichever is later, to the date of payment or the date of retirement, whichever occurs first.

(2) If a member terminates from the system and is subsequently reemployed as a member, the arrearage indebtedness to the retirement fund for outside, military, or Alaska BIA service accumulated in the interim is seven percent of the base salary upon reentering membership service, multiplied by the number of years of interim outside, military, and Alaska BIA service. Compound interest at the rate prescribed by regulation shall be added to the arrearage indebtedness beginning July 1, 1963, or the date of reemployment as a member, whichever is later, to the date of payment or the date of retirement, whichever occurs first. (am Sec. 6 ch 13 SLA 1980)

(b) If a member joins the system on or after July 1, 1978, and has creditable outside service, the member may claim this service. If claimed, the member is indebted to the retirement fund as follows:

(1) The arrearage indebtedness is the full actuarial cost of providing benefits for the service being claimed. Compound interest at the rate prescribed by regulation shall be added to the arrearage indebtedness beginning the date the actuarial cost is established to the date of payment or the date of retirement, whichever occurs first.

(2) If a member terminates from the system and is subsequently reemployed as a member, the arrearage indebtedness for outside service during the interim is the full actuarial cost of providing benefits for the interim service being claimed. Compound interest at the rate prescribed by regulation shall be added to the arrearage indebtedness beginning the date the actuarial cost is established to the date of payment or the date of retirement, whichever occurs first.

(3) A member who joins the system on or after July 1, 1978, may claim no more than five years Alaska BIA service. A member who has, at the time he claims Alaska BIA service, a vested military or federal retirement benefit, or a member who acquires a vested military or federal retirement benefit after claiming Alaska BIA service shall have his arrearage indebtedness for that service recalculated under (1) or (2) of this subsection, as appropriate, retroactive to the date he claimed the service. (am Sec. 14 ch 136 SLA 1978; am Sec. 7 ch 13 SLA 1980)

(c) The total military service claimed may not exceed five years. The combined total of outside and military service may not exceed 10 years, except that, if entry into the armed forces is immediately preceded by membership service and within one year after discharge is continued by membership service, that service will not be counted for purposes of determining the applicability of the 10-year limitation on the combined total of outside and military service. The combined total of outside, military, and Alaska BIA service may not exceed 15 years. (Sec. 7 ch 145 SLA 1955; am Sec. 3 ch 142 SLA 1957; am Sec. 5 ch 89 SLA 1960; am Sec. 2 ch 86 SLA 1963; am Sec. 11 ch 70 SLA 1964; am Secs. 3,4 ch 151 SLA 1966; am Sec. 2 ch 76 SLA 1968; am Sec. 3,4 ch 138 SLA 1970; am Sec. 3 ch 66 SLA 1973; am Sec. ch 128 SLA 1977)

Sec. 14.25.081. Retroactive indebtedness. (a) A member who was not subject to the provisions of this chapter, but who becomes subject to them because of a legislative change, may elect to receive credit for retroactive membership service by contributing to the retirement fund an amount equal to the contributions the member would have made had the member been subject to the provisions of this chapter for those years of retroactive service after June 30, 1955. Retroactive contributions are not required for retroactive membership service before July 1, 1955. Compound interest at the rate prescribed by regulation shall be added to the retroactive indebtedness from July 1, 1966, or the time of first becoming eligible under this chapter, whichever is later, to the date of payment or the date of retirement, whichever occurs first. (am Sec. 8 ch 13 SLA 1980)

(b) If retroactive indebtedness contributions have been made for retroactive service before July 1, 1955, the member is entitled to a refund of those retroactive membership indebtedness contributions. (am Sec. 9 ch 13 SLA 1980)

(c) A refund of retroactive indebtedness contributions for retroactive service before July 1, 1955 is not subject to the repayment provision of Sec. 62 of this chapter.

Sec. 14.25.062. Reinstatement indebtedness. A teacher who has received a refund of contributions in accordance with AS 14.25.150 is indebted to the retirement fund in the amount of the total refund. Compound interest at the rate prescribed by regulation shall be added to the reinstatement indebtedness from the date of the refund to the date of repayment or the date of retirement, whichever occurs first. (am Sec. 10 ch 13 SLA 1980)

Sec. 14.25.063. Payment of indebtedness. (a) For purposes of this chapter, a member does not have to be reemployed under this system in order to make indebtedness payments. However, a former member must be reemployed under this system in order to make indebtedness payments. Payments apply first to accrued interest and then to principal.

(b) If the member has not paid the full amount of indebtedness owing to the system by the date of application for retirement, he may elect either:

(1) option one — to have any retirement benefit which becomes due the member withheld until the total amount withheld is equal to the outstanding indebtedness due the system; or

(2) option two — to cancel the outstanding indebtedness to the system by accepting an actuarially reduced annuity for life.

(c) If a member elects option one under (b)(1) of this section, the member may pay all or any part of the outstanding indebtedness at a later date. However, option two under (b)(2) of this section, if elected by a member, is irrevocable.

(am Sec. 11 ch 13 SLA 1980)

Sec. 14.25.065. Transmittal of contributions. (a) All contributions deducted in accordance with sections 50 and 55 of this chapter shall be transmitted to the retirement fund no later than 15 days following the close of the payroll period, with the final contributions due for any school year transmitted no later than July 15.

(b) The contributions of employers under AS 14.25.070 must be transmitted to the administrator at the close of each pay period. If the contributions are not submitted within 15 days of the close of each payroll period, interest must be assessed on the outstanding contributions at one and one-half times the most recent actuarially determined rate of earnings for the system from the date that contributions were originally due. In addition, the amount of the contributions and interest may be deducted by the Department of Education from the state funds due the school district and the amount so deducted transmitted to the administrator for deposit in the retirement fund. Amounts due from the University of Alaska and interest as prescribed in this section may be deducted by the commissioner of administration from any state funds due the University of Alaska and the amount deducted transmitted to the administrator for deposit in the retirement fund. (Sec. 3 ch 84 SLA 1969; am Sec. 4 ch 66 SLA 1973; am Sec. 12 ch 13 SLA 1980)

Sec. 14.25.070. Contributions by employer. An employer shall contribute to the retirement fund an amount equal to one-half the percentage, as certified by the administrator, of the sum total of the base salaries of all teachers that is required in addition to teacher contributions to provide the benefits of this chapter times the sum total of the base salaries paid to teachers by the employer. (Sec. 8 ch 145 SLA 1955; am Sec. 5 ch 151 SLA 1966; am Sec. 5 ch 138 SLA 1970; am Sec. 5 ch 66 SLA 1973)

Sec. 14.25.080. Contributions by the state. The state legislature may appropriate to the retirement fund an amount equal to one-half the percentage, as certified by the administrator, of the amount required in addition to teacher contributions to provide the benefits of this chapter. It may be appropriated annually and deposited in the retirement fund monthly. (Sec. 9 ch 145 SLA 1955; am Sec. 6 ch 89 SLA 1960; am Sec. 8 ch 179 SLA 1960; am Sec. 4 ch 84 SLA 1969; am Sec. 6 ch 138 SLA 1970; am Sec. 6 ch 66 SLA 1973)

Sec. 14.25.090. Repealed. (Sec. 7 ch 66 SLA 1973)

Sec. 14.25.100. Credit for service in the armed forces. (a) A member who served as an active member of the armed forces of the United States may receive creditable service under this system up to a maximum of five years. Each 12 months of military service equals one school year, and lesser military periods will be determined for credit purposes in a proportionate ratio to a year. To receive creditable service under this section, the member must have received a discharge other than dishonorable. Credit for service in the armed forces shall be granted only if the member makes contributions for the service in the same manner as required for outside service under AS 14.25.060. The military service credited under this section shall be included in the 10-year limitation of outside service as specified in AS 14.25.060, except if entry into the armed forces is immediately preceded by Alaska membership service and following discharge is continued by Alaska membership service within one year thereafter, service may not be counted for purposes of determining the applicability of the 10-year limitation on outside service.

(b) Where a member is unable to resume teaching in a public school within one year following discharge because of hospitalization, rehabilitation training, a disability derived while in the armed forces, or other like circumstances, the administrator shall determine the allowance or disallowance of any service in the armed forces.

(c) and (d) Repealed. (am Sec. 13 Ch 13 SLA 1980)

(e) A member may not be credited with the same period of service in the armed forces under this section if credit for that military service was granted under the public employees' retirement system (AS 39.35). The combined period of military service claimed under this section and AS 39.35 may not exceed five years.

(am Sec. 7 ch 155 SLA 1976; am Sec. 5 ch 128 SLA 1977; am Sec. 13 ch 13 SLA 1980)

Sec. 14.25.110. Retirement benefits. (a) A member is eligible for a normal retirement benefit if he

(1) was first hired before July 1, 1975, has attained the age of 55 years, and has at least 15 years of credited service, the last five of which have been membership service;

(2) has attained the age of 55 years and has at least eight years of membership service;

(3) has attained the age of 55 years, has at least five years of membership service, and has at least three years of Alaska BIA service;

(4) has at least 25 years of credited service, the last five of which have been membership service;

(5) has at least 20 years of membership service; or

(6) has at least 20 years of combined membership service and Alaska BIA service, the last five of which have been membership service.

(b) A member is eligible for an early retirement benefit upon completing any one of the service requirements in (a)(1), (2), or (3) of this section and attaining the age of 50 years.

(c) The burden is on the applicant to prove eligibility for retirement benefits to the full satisfaction of the administrator.

(d) The monthly amount of a retirement benefit for a member who has paid the full amount of any indebtedness is two percent of the member's average base salary during any three school years of membership service times the years of credited service, including credited fractional years, divided by 12. An actuarial adjustment must be made for early retirement.

(e) The monthly amount of a retirement benefit must be determined in accordance with (d) of this section as it is in effect on the date of termination of the retiring member's last segment of employment.

(f) The annual amount of retirement benefits for a retiring member who was a member of the retirement system established by the Retirement Act of 1945 may not be less than $975 plus 10 percent of the total contribution made by the member to the retirement fund of 1945.

(g) A member who is eligible for a service retirement salary under this chapter or under the Retirement Act of 1945 is entitled to a benefit of at least $20 per month for each year of credited service, excluding adjustments made under AS 14.25.142 or 14.25.143. If the member elected option two under AS 14.25.063(b)(2) for payment of any indebtedness when he initially applied for a retirement benefit, or if he elected to receive an early retirement benefit under (b) of this section, the resulting benefit reduction continues in effect.

(h) The monthly retirement benefit for a member who was receiving a retirement benefit on July 1, 1955, is $50 a month if the member was at least 55 years of age on July 1, 1955.

(i) Benefits payable under this section accrue from the first day of the month after which all of the following requirements are met: (1) the member meets the eligibility requirements of this section; (2) the member terminates employment; and (3) the member applies for retirement. Benefits are not payable under this section during a school year in which credit for a full year of service is granted. The benefits are payable the last day of the month. If payment is delayed, a retroactive payment must be made for the month in which a benefit is payable under this section.

(Sec. 12 ch 145 SLA 1955; am Sec. 4 ch 142 SLA 1957; am Sec. 9 ch 89 SLA 1960; am Sec. 4 ch 86 SLA 1963; am Sec. 6 ch 151 SLA 1966; am Sec. 2 ch 85 SLA 1971; am Sec. 8 ch 66 SLA 1973; am Sec. 1 ch 77 SLA 1973; am Sec. 2 ch 57 SLA 1974; am Sec. 1—3 ch 173 SLA 1975; am Sec. 14 ch 13 SLA 1980)

Sec. 14.25.115. Unused sick leave credit. (a) A teacher in membership service on or after July 1, 1977 who is appointed to retirement on or after July 1, 1978 may elect to apply his unused sick leave credit in computing the total number of years of creditable service under sec. 120(c)(1) and (4) of this chapter. To obtain service credit for unused sick leave, a teacher must apply to the administrator no later than one year after appointment to retirement. Unused sick leave shall be credited on a day-for-day basis in accordance with the table for service after July 1, 1969 contained in section 220(16) of this chapter. No teacher contributions may be required for credited unused sick leave.

(b) A teacher appointed to retirement before July 1, 1978 who returns to membership service on or after July 1, 1978 and is subsequently reappointed to retirement is eligible for unused sick leave credit only with respect to sick leave accrued during membership service on or after July 1, 1978.

(c) Benefits payable under this section accrue from the first day of the month after which all the following requirements are met: (1) the teacher meets the eligibility requirements of this section; (2) the teacher's written application for unused sick leave credit is received and verified by the administrator; and (3) a period of time has elapsed since the date of appointment to retirement equal to the amount of verified unused sick leave. Benefits are payable on the last day of the month.

(am Sec. 13 ch 136 SLA 1978)

Sec. 14.25.120. Manner of computing service retirement salary. (a) Every teacher who has applied for retirement salary and who has satisfactorily shown his eligibility as provided in Section 110 of this chapter, shall receive from the retirement fund, for each school year subsequent to the date of application, a retirement salary payable on the first day of each month, beginning the month following retirement. (am Sec. 9 ch 66 SLA 1973)

(b) The payment made for the month in which death occurs is the last payment.

(c) The amount of retirement salary to be paid is computed as follows:

(1) If the teacher is eligible for normal retirement as of the date on which the application for a retirement salary is filed and has paid into the retirement fund the full amount of his indebted-

ness, his annual retirement salary is two percent of his average base salary during any three of the last 10 years of membership service multiplied by the total number of years of creditable service, including credited fractional years.

(2) If on the date of applying for retirement salary, the teacher has not paid the full amount of his indebtedness to the retirement fund, he may elect either:

(A) option one — to have any retirement salary which becomes due the teacher withheld until such time as the total amount withheld is equal to the outstanding indebtedness due the retirement fund, or

(B) option two — to cancel the outstanding indebtedness due the retirement fund by accepting a reduced annuity for life, computed by deducting 10 percent of the indebtedness still outstanding from the annual retirement salary that would be due and owing the teacher if there were no indebtedness.

(3) If option one under (c) (2) of this section is elected, the teacher, at a subsequent date, may pay into the retirement fund all or any part of the indebtedness still outstanding. However, option two under (c) (2) of this section, after once being elected, is irrevocable.

(4) If the teacher is not eligible for normal retirement, but is eligible for early retirement, as defined in Section 110(a) and (b) of this chapter, on the date when application for retirement salary is filed, his annual retirement salary is the amount that would be due and owing to the teacher if he were at least 55, reduced by the amount derived from the following computations: multiply one-half of one percent times the number of months, to the nearest month, by which the applicant's attained age on the date of filing application falls short of 55 years, times the amount of annual retirement salary that would be due and owing the teacher if he were at least 55 years of age.

(5) If the teacher has any outstanding indebtedness to the fund on the date of applying for retirement salary, he may elect either option one or two in (c) (2) of this section. However, if he elects option two, the reduction as computed in (4) of this subsection shall be applied after deriving the adjusted retirement salary under option two.

(6) If the retiring teacher was a member of the retirement system established by the Retirement Act of 1945, his annual retirement salary shall in no case be less than $975 plus 10 percent of the total contribution made by the teacher to the retirement fund of 1945.

(7) If a teacher, after receiving retirement salary, is reemployed as a full-time teacher in membership service, his retirement salary shall be suspended during the period of reemployment. The retirement salary shall be suspended for the entire school year if the teacher is reemployed as a full-time teacher in membership service for a period of time equivalent to a year of service.

(8) During a period of reemployment following retirement, deductions from salary may be made at the option of the teacher for contributions to the retirement fund as provided in section 50 of this chapter. If deductions are made, the annual amount of retirement salary shall be increased when the teacher again retires from active membership service, by adding to the annual amount previously payable, an amount equal to two percent of the teacher's base salary for the period of reemployment. However, if the teacher has not attained the age of 55 on the date when payment of retirement salary is resumed, the additional amount provided for in this paragraph shall be reduced by the amount derived from the following computations: multiply one-half of one percent times the number of months, to the nearest month, by which the teacher's attained age on the date of subsequent retirement falls short of 55 years, times the additional amount provided in this paragraph.

(d) A teacher who was receiving a service retirement salary on July 1, 1955, shall receive an additional $50 a month for life, payable on the first day of each month, if the teacher was at least 55 years of age on July 1, 1955.

(e) and (f) Repealed. (Sec. 13 ch 66 SLA 1973)

(g) A teacher who retired before July 1, 1971, with at least 25 years of creditable service, at least 15 of which were membership service, and who is entitled to a retirement salary under either this retirement fund or the retirement fund of 1945, shall receive a service retirement salary based on a minimum sum of $20 per month for each year of creditable service, not including adjustments made under section 142 or section 143 of this chapter. A teacher who retired before July 1, 1971, with less than 25 years of creditable service, and who is entitled to a retirement salary under either this retirement fund or the retirement fund of 1945, shall receive a service retirement salary of at least $20 per month for each year of credited service. If, on the date the teacher originally applied for retirement salary, the teacher elected option two as provided by (c) (2) (B) of this section as payment of his indebtedness, the amount of the dollar reduction shall remain in effect. (am Sec. 4 ch 155 SLA 1976)

(h) A teacher who retires before July 1, 1972, shall receive a service retirement salary computed either under (c)(1) of this section, not including adjustments made under sections 142 and 143 of this chapter, or under (g) of this section, whichever computation would provide the teacher with the greater amount of service retirement salary. If, on the date the teacher originally applied for retirement salary, the teacher elected option two under (c)(2)(B) of this section as payment of his indebtedness or a reduced benefit under (c)(4) of this section, the amount of the dollar reduction shall remain in effect.

(i) Any amendment to this section shall be applied to a teacher who retired before the effective date of the amendment at the option of the retired teacher.

(Sec. 13 ch 145 SLA 1955; am Secs. 10,11 ch 89 SLA 1960; Sec. 1 ch 57 SLA 1955; am Sec. 7 ch 151 SLA 1966; am Secs. 9, 10 ch 138 SLA 1970; am Secs. 3,4 ch 85 SLA 1971; am Secs. 1-3 ch 86 SLA 1971; am Secs. 1,2 ch 44 SLA 1972; am Sec. 4 ch 71 SLA 1972; am Sec. 1 ch 47 SLA 1973; am Secs. 9-14 ch 66 SLA 1973; am Secs. 2,3 ch 77 SLA 1973; am Secs. 4,5,6,14 ch 173 SLA 1975)

Sec. 14.25.125. Conditional service retirement benefits. (a) A member is eligible for a normal retirement salary at age 55 with at least two years membership service if the member also is eligible for a normal retirement benefit under the public employees' retirement system (AS 39.35).

(b) A member is eligible for an early retirement salary at age 50 with at least two years of membership service if the member also is eligible for an early retirement benefit under the public employees' retirement system (AS 39.35).

(c) Membership service for which contributions were refunded is not creditable under this section unless the refunded contributions have been repaid. For purposes of this section, a member or former member does not have to be reemployed under this system in order to repay refunded contributions. Compound interest at the rate prescribed by regulation must be added to the reinstatement indebtedness from the date of the refund to the date of repayment. (am Sec. 15 ch 13 SLA 1980)

(d) The monthly amount of a normal retirement salary is two percent of the average monthly compensation times the number of years of membership service. An actuarial adjustment of this amount must be made for an early retirement salary.

(e) Benefits payable under this section accrue from the first day of the month (1) in which the member meets the eligibility requirements of this section, (2) following the date of termination, and (3) following application for retirement, and are payable the last day of the month. If payment is delayed, a retroactive payment shall be made to cover the period of deferment. The last payment shall be made for the month in which the member dies or is no longer eligible for a benefit under this section.

(am Sec 2 ch 174 SLA 1978)

Sec. 14.25.130. Disability benefits. (a) A member who has become permanently disabled, as defined in AS 14.25.220, after July 1, 1966, before age 55 and who has five or more years of membership service may be retired by the administrator as of the first day of the month following the permanent disability. After a report of medical examination of the member, an application and other requested information has been submitted, the administrator shall determine if the member is physically or mentally incapacitated for further performance of duty, and if the incapacity is likely to be permanent and whether the member should receive disability benefits. (am Sec. 16 ch 13 SLA 1980)

(b) Deleted. (am Sec. 16 ch 13 SLA 1980)

(c) Once each year during the first five years following appointment to disability under this section, and once every three-year period thereafter, the administrator may require a disabled member who has not attained eligibility for normal retirement to undergo a medical or mental examination by a competent physician. The administrator shall suspend any disability benefit for a disabled member who refuses to undergo a physical or mental examination when requested under this section. (am Sec. 2 ch 169 SLA 1976; am Sec. 16 ch 13 SLA 1980)

(d) *The amount of the disability benefit is equal to 50 percent* of the member's base salary immediately before becoming disabled. The disability benefit is increased by 10 percent for each dependent child, up to a maximum of four dependent children. (am Sec. 16 ch 13 SLA 1980)

(e) Benefits payable under this section accrue from the first day of the month after which the following requirements are met: (1) the member meets the eligibility requirements of this section; and (2) the member terminates employment. The benefits are payable the last day of the month. If payment is delayed, a retroactive payment must be made to cover the period of deferment. The last payment for a dependent child shall be for the month in which the child ceases to be a dependent child. The last payment for the disabled member shall be made for the month in which the disabled member recovers from his disability, dies, or is eligible for normal retirement. (am Sec. 16 ch 13 SLA 1980)

(Sec. 14 ch 145 SLA 1955; am Sec. 12 ch 89 SLA 1960; am Sec. 5 ch 86 SLA 1963; am Sec. 8 ch 151 SLA 1966; am Sec. 15 ch 66 SLA 1973; am Sec. 7 ch 173 SLA 1975; am Sec. 16 ch 13 SLA 1980)

Sec. 14.25.135. Deferred retirement benefit. (a) A teacher is eligible for a deferred benefit if:

(1) he terminates his employment on or after the date on which his attained age and credited service total at least 70 years;

(2) he has completed at least 15 years of creditable service, the last five years of which have been in membership service; and

(3) he does not withdraw his contributions to the retirement fund.

(b) Payment of the deferred benefit shall begin on the first day of the month coinciding with or following the teacher's 55th birthday or the first day of the month in which his application for deferred benefit is filed with the administrator, whichever is later. The last payment shall be made as of the first day of the month in which the death of the retired teacher occurs.

(c) The monthly amount of a normal deferred benefit shall be determined in accordance with section 120 of this chapter as it is in effect on the date of his termination of employment, considering the teacher's credited service and compensation before his termination of employment. If his benefit begins before his normal retirement date, the benefit shall be reduced to the actuarial equivalent.

(d) A teacher is not entitled to a deferred benefit unless an application for it is filed with the administrator on or after the teacher reaches his early retirement date and before he attains his 70th birthday. If the application is received after his 55th birthday but on or before his 70th birthday, no retroactive payment may be made for the months preceding the month in which the application is received.

(Sec. 6 ch 86 SLA 1963; am Sec. 5 ch 85 SLA 1971; am Sec. 8 ch 173 SLA 1975)

Sec. 14.25.137. Deferred vested retirement benefit. (a) A teacher is eligible for a deferred vested benefit if

(1) he terminates his employment after completing eight years of membership service; and

(2) he does not withdraw his contributions to the retirement fund.

(b) Payment of the deferred vested retirement benefit shall begin on the first day of the month coinciding with or next following the teacher's 55th birthday or the first day of the month in which his application for deferred vested benefit is filed with the administrator, whichever is later. The last payment shall be made as of the first day of the month in which the death of the teacher occurs.

(c) The monthly amount of the deferred vested benefit shall be determined in accordance with section 120 of this chapter as it is in effect on the date of the teacher's termination of his employment, considering the teacher's credited service and compensation before his termination of employment. If his benefit begins before his normal retirement date, the benefit shall be reduced to the actuarial equivalent.

(d) An application for deferred vested benefit shall not be considered unless application is made on or after the teacher reaches his early retirement date and before he attains his 70th birthday.

(Sec. 1 ch 38 SLA 1965; am Sec. 1 ch 218 SLA 1968; am Sec. 6 ch 85 SLA 1971; am Sec. 4 ch 86 SLA 1971; am Sec. 9 ch 173 SLA 1975)

Sec. 14.25.138. Notification of intention to retire. A teacher who will be eligible for a deferred vested benefit under section 137 of this chapter shall notify the administrator of his intention to retire. The administrator shall prescribe forms for the notification. (Sec. 1 ch 38 SLA 1965)

Sec. 14.25.140. Manner of computing disability retirement salary. (a) A teacher who becomes disabled on or after July 1, 1966 and has applied for disability retirement salary shall receive from the retirement fund, during each year subsequent to the date of application and certification by the administrator under section 130 of this chapter, a disability retirement salary payable on the first day of each month, beginning the month following the disability.

(b) The payment made for the month in which the disabled teacher recovers from his disability, dies or attains eligibility for normal retirement constitutes the last payment. (am Sec. 3 ch 155 SLA 1976; am Sec. 3 ch 169 SLA 1976)

(c) The amount of the disability retirement shall be equal to 50 percent of the teacher's base salary immediately before his becoming disabled. The disability retirement salary shall be increased by 10 percent of the teacher's base salary at the date of disability for each minor child, up to a maximum of four minor children, until the first day of the month in which the child ceases to be a minor child or the disability retirement salary terminates, whichever occurs first.

(Sec. 15 ch 145 SLA 1955; am Sec. 5 ch 142 SLA 1957; Sec. 2 ch 57 SLA 1955; repealed and reenacted Sec. 9 ch 151 SLA 1966; am Secs. 16, 17 ch 66 SLA 1973; am Sec. 10 ch 173 SLA 1975; am Sec. 3 ch 155 SLA 1976; am Sec. 3 ch 169 SLA 1976)

Sec. 14.25.142. Cost of living allowance. (a) While residing in the state, a person receiving a benefit under this chapter is entitled to receive a monthly cost-of-living allowance in addition to his basic benefit. The amount of this allowance is 10 percent of the basic benefit.

(b) A person receiving a cost-of-living allowance under this section shall notify the administrator when he expects to be absent from the state for a continuous period that exceeds 90 days. After that notification, the person is no longer entitled to receive the monthly cost-of-living allowance, except that a person may be absent from the state for not more than six months without loss of the cost-of-living allowance if the absence is the result of illness and required by order of a licensed physician. Upon his return to the state, and upon notification to the administrator, the person is again entitled to receive the monthly cost-of-living allowance, commencing with the first monthly benefit payment made after notification of the person's return. (am Sec. 2 ch 82 SLA 1979)

(c) For purposes of this section, "residing in the state" means domiciled and physically present in the state of Alaska. Being absent from the state for a continuous period of 90 days or less or six months or less when ordered by a physician does not change a person's status as "residing in the state." (Sec. 10 ch 151 SLA 1966; am Sec. 18 ch 66 SLA 1973; am Sec. 6 ch 128 SLA 1977; am Sec. 3 ch 82 SLA 1979)

Sec. 14.25.143. Post retirement pension adjustment. (a) When the administrator determines that the cost of living has increased and that the financial condition of the retirement fund permits, the administrator may increase all annuitants' and survivors' benefits to reflect this cost-of-living increase. (am Sec. 19 ch 66 SLA 1973; am Sec. 19 ch13 SLA 1980)

(b) The amount of the increase shall be not more than four percent compounded for each year of retirement. Increases accrue from the first of July next following the effective date of retirement and shall be paid beginning the first of July of each year.

(c) The administrator is authorized to implement this section by regulation. (Sec. 15 ch 145 SLA 1955; am Sec. 5 ch 142 SLA 1957; am Sec. 2 ch 57 SLA 1955; am Sec. 11 ch 151 SLA 1966; am Sec. 5 ch 86 SLA 1971; am Sec. 3 ch 99 SLA 1974)

(d) A person receiving benefits under this chapter shall be granted a 10 percent increase in his current base benefit if he was receiving benefits on July 1, 1976. The increase shall be effective July 1, 1977. (am Sec. 7 ch 128 SLA 1977)

Sec. 14.25.145. Interest on individual accounts. Interest shall be credited to each teacher's account at the end of each school year at the rate prescribed by regulation for that year. (Sec. 16 ch 145 SLA 1955; am Sec. 6 ch 142 SLA 1957; am Sec. 4 ch 78 SLA 1962; am Sec. 7 ch 138 SLA 1970; am Sec. 20 ch 66 SLA 1973)

Sec. 14.25.150. Refund upon termination. A terminated member is entitled to a refund of the balance of (1) his mandatory contributions and accrued interest, and (2) his indebtedness principal contributions. A member is not entitled to a refund of his supplemental contributions except as provided in Sec. 160(a) of this chapter. (Sec. 16 ch 145 SLA 1955; am Sec. 6 ch 142 SLA 1957; am Sec. 4 ch 78 SLA 1962; am Sec. 7 ch 86 SLA 1963; am Sec. 12 ch 151 SLA 1966; am Sec. 5 ch 84 SLA 1969; am Sec. 8 ch 128 SLA 1977)

Sec. 14.25.160. Death benefits. (a) Upon receipt of a valid claim and proof of the death of a member who has not made supplemental contributions or whose supplemental contributions under AS 14.25.055 were made for less than one year of membership service, a death benefit will be paid to the beneficiaries the member has designated in a written designation filed with the administrator. If the member failed to designate a beneficiary, or if no designated beneficiary survives the member, the benefits will be paid as follows:

(1) to the surviving spouse;

(2) if there is no surviving spouse, to the surviving children in equal amounts;

(3) if there is no surviving child, to the surviving parents in equal amounts; or

(4) if there is no surviving parent, to the member's estate.

(b) Upon the death of an active member who meets the conditions specified in (a) of this section, the amount of the death benefit is the sum of the following less any retirement benefit previously received by the member:

(1) the member's mandatory contribution account;

(2) $100 times the years of membership service;

(3) $1,000; and

(4) $500 if the deceased member is survived by one or more dependent children at the time of death.

(c) If the sum of (b)(2) and (3) of this section exceeds $3,000, only $3,000 may be added to amounts under (b)(1) and (4) in calculating the death benefit under (b) of this section.

(d) Upon the death of an inactive member who meets the conditions specified in (a) of this section, the death benefit is the amount determined in (b)(1) of this section.

(e) Upon the death of a disabled member who is not eligible for normal retirement and who meets the conditions specified in (a) of this section, the death benefit is the amount determined in (b) of this section.

(f) Upon the death of a retired member who meets the conditions specified in (a) of this section, the death benefit is the amount determined in (b)(1) of this section less all retirement benefits paid to the deceased member.

(g) If supplemental contributions have been made under AS 14.25.055, benefits may be payable under AS 14.25.162 or 14.25.164 if the deceased member meets the eligibility requirements of one of those sections.

(h) Payment made to a beneficiary under this section is in place of any other benefit under this chapter.

(Sec. 17 ch 145 SLA 1955; am Sec. 7 ch 142 SLA 1957; am Sec. 13 ch 89 SLA 1960; am Sec. 5 ch 78 SLA 1962; am Secs. 13-15; ch 151 SLA 1966; am Sec. 6 ch 84 SLA 1969; repealed and reenacted Sec. 18 ch 13 SLA 1980)

Sec. 14.25.162. Survivor's allowance. (a) If an active or disabled member dies and leaves a dependent child, and supplemental contributions have been made under AS 14.25.055 for at least one year of credited service, a survivor's allowance is payable under (b) of this section. If a retired member or a deferred vested member dies and leaves a dependent child, and supplemental contributions have been made under AS 14.25.055 for at least five years of credited service, a survivor's allowance is payable under (b) of this section. Application for the survivor's allowance must be made in writing to the administrator.

(b) A survivor's allowance is payable under this section as follows:

(1) an allowance of 10 percent of the member's base salary immediately before the member's death, retirement, or disability shall be paid for each dependent child; if there are four or more dependent children, the total amount paid to those children is 40 percent of the member's base salary before his death, retirement, or disability, paid in equal amounts to each child; the allowance shall be recomputed for the month in which the number of dependent children is less than four and the benefits shall be decreased accordingly; if a dependent child who is at least 19 years old but less than 23 years old is out of school for more than one semester, payments of the dependent child's benefits terminate permanently; the adoption of a dependent child does not terminate the survivor's allowance payable under this section;

(2) an allowance of 35 percent of the member's base salary shall be paid to the member's surviving spouse as long as there is an eligible dependent child as determined under (b)(1) of this section; if there is no surviving spouse, an allowance of 10 percent of the member's base salary shall be paid to each court-appointed guardian;

(3) when no further benefits are payable under this section, the difference between the amount that would have been paid under AS 14.25.160 and any payments made to the member, spouse, guardian, or dependent children under this section shall be paid to those beneficiaries described in AS 14.25.160(a);

(4) benefits are not payable under this section if benefits are being paid under AS 14.25.164.

(c) The survivor's allowance accrues from the first day of the month following the death of a member and is payable on the last day of the month. If payment is delayed, a retroactive payment must be made for the month in which a benefit is payable under this section. The last payment is for the month in which a benefit is payable under this section.

(Sec. 16 ch 151 SLA 1966; am Secs. 7,8,9 ch 84 SLA 1969; am Secs. 11,12 ch 138 SLA 1970; am Sec. 15 ch 32 sla 1971; am Sec. 1 ch 52 SLA 1972; am Secs. 24,25 ch 66 SLA 1973; am Sec. 9,10 ch 128 SLA 1977; repealed and reenacted Sec. 19 ch13 SLA 1980)

Sec. 14.25.164. Spouse's pension. (a) If an active or disabled member dies, a pension is payable to the member's spouse if the member made supplemental contributions under AS 14.25.055 for at least one year of credited service. If a retired member or deferred vested member dies, a pension is payable to the member's spouse if the member made supplemental contributions under AS 14.25.055 for at least five years of credited service. Application for the spouse's pension must be made in writing to the administrator.

(b) A spouse's pension is payable under this section as follows:

(1) a spouse's pension is equal to 50 percent of the retirement benefit that the deceased member was receiving; if the member was not receiving a retirement benefit, the spouse's pension is equal to 50 percent of the amount the member would have received, based on the member's average base salary and credited service to the date of the member's death and assuming that the member would have been eligible for a normal retirement benefit as of that date;

(2) in the event of the death of a member's spouse who is receiving a spouse's pension, the difference between the amount that would have been paid under AS 14.25.160 and any payments made to the member, spouse, guardian, or dependent children shall be paid to those beneficiaries described in AS 14.25.160;

(3) benefits are not payable under this section if benefits are being paid under AS 14.25.162.

(c) The spouse's pension accrues from the first day of the month following the death of a member and is payable on the last day of the month. If payment is delayed, a retroactive payment must be made for the month in which a benefit is payable under this section. The last payment is for the month in which the spouse dies.

(Sec. 17 ch 151 SLA 1966; am Secs. 10-12 ch 84 SLA 1969; am Sec. 19 ch 69 SLA 1970; am Secs. 26-28 ch 66 SLA 1973; am Sec. 11 ch 173 SLA 1975; am Sec. 11 ch 128 SLA 1977; repealed and reenacted Sec. 20 ch 13 SLA 1980)

Sec. 14.25.168. Medical benefits. Each person who is entitled to receive a monthly benefit from the retirement system shall be provided with major medical insurance coverage. Coverage shall become effective on the same date as retirement benefits commence and cease when the retired employee or survivor is no longer eligible to receive a monthly benefit. The level of coverage for persons over age 65 shall be the same as that available prior to reaching age 65 except that the benefits payable shall be supplemental to those afforded under the federal Old Age Survivor and Disability Insurance Program, if any. (Sec. 18 ch 151 SLA 1966; am Sec. 1 ch 200 SLA 1975)

Sec. 14.25.169. Duplicate benefits. If payments from this retirement system are due to a teacher or his spouse under more than one provision of this plan, the teacher or spouse shall elect under which provision and which benefit he wishes to receive and no payments may be made under any other provision. However, benefits under section 162 and 164 of this chapter shall be paid to a surviving spouse in addition to those benefits he is entitled to receive because of his own membership in the retirement system. (Sec. 19 ch 151 SLA 1966; am Sec. 2 ch 184 SLA 1972)

Sec. 14.25.170. Administration. The commissioner of administration is responsible for the administration of the retirement system and for making the provisions of this chapter effective and his powers and duties for this purpose include but are not limited to

(1) maintaining the accounts of the system;

(2) making payments for the various purposes specified;

(3) submitting such periodic reports or statements of account as may be required;

(4) prescribing by regulation the rate of interest that shall be credited to the individual contribution accounts of teachers each year; the rate of interest shall be adopted on the basis of the probable effective rate of interest on a long-term basis, and the rate may be changed from time to time by subsequent regulation. (Sec. 14 ch 89 SLA 1960; am Sec. 6 ch 78 SLA 1962)

Sec. 14.25.173. Adjustments. If a change or error is made in the records maintained by the system or an error is made in computing a benefit, and as a result a teacher or member or beneficiary receives from the system more or less than he would have been entitled to receive had the records been correct or had the error not been made, (1) the records or error shall be corrected, and (2), as far as practicable, future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the teacher or member or beneficiary was correctly entitled will be paid. If no future benefit payments are due, a person who was paid any amount to which he or she was not entitled is liable for repayment of that amount, and a person who was not paid the full amount to which he or she was entitled shall be paid that amount. (am Sec. 4 ch 169 SLA 1976)

Sec. 14.25.175. Waiver of adjustments. (a) Upon appeal by an affected member or beneficiary under (b) of this section, the board may waive an adjustment or a portion of an adjustment made under AS 14.25.173 if

(1) the adjustment or portion of the adjustment will, in the opinion of the board, cause undue hardship to the member or beneficiary;

(2) the member is retired or has submitted notification of impending retirement to his employer to be effective no later than 180 days after the adjustment was made, or the beneficiary was eligible to receive or was receiving benefits under this chapter before the adjustment;

(3) the adjustment will result in a loss of eligibility for benefits for the member or beneficiary or result in a reduction of benefits received by the member or beneficiary of $50 per month or more;

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary,

(5) before the adjustment was made, the member or beneficiary received confirmation from the administrator that his records were correct; and

(6) the member or beneficiary had no reasonable grounds to believe his records were incorrect before the adjustment was made.

(b) In order to obtain consideration of a waiver under this section, the affected member or beneficiary must appeal to the board in writing within 30 days after receipt of notice that his records have been adjusted. The board shall rule on an appeal within 120 days after its receipt. The ruling of the board shall be in writing.

(c) The board may, at its discretion, conduct a hearing on an appeal under this section. In reaching a decision on an appeal, the board may issue subpoenas, administer oaths, and compel the attendance and testimony of witnesses, the taking of depositions, the submission of affidavits, and the production of documents and records.

(d) The board may impose conditions on granting a waiver which it considers equitable. These conditions may include requiring the member or beneficiary to make additional contributions to the system.

(e) The board may reconsider a ruling under this section upon request of the member or beneficiary or the administrator if the request is received within 30 days after the initial ruling. Any modification of the initial ruling must be made within 30 days after receipt of a request for reconsideration.

(f) Rulings and modifications of rulings under this section must be by a majority of a quorum of the board.

(g) Rulings on appeals and requests for reconsideration under this section may be appealed by an aggrieved member or beneficiary to the superior court for abuse of discretion.

(am Sec. 1 ch 81 SLA 1979)

Sec. 14.25.177. Effect of amendments. (a) An amendment to this chapter is not retroactive unless its retroactivity is expressly stated in the amendment.

(b) The monthly amount of a benefit payable under this chapter shall be determined in accordance with the provisions of this chapter in effect on the date of termination of the member's last segment of employment.

(am Sec. 4 ch 169 SLA 1976; repealed and reenacted Sec. 21 ch 13 SLA 1980)

Sec. 14.25.180. Custody and investment. (a) The commissioner of revenue is the treasurer of the system and has powers and duties for this purpose including but not limited to the following:

(1) to act as official custodian of the cash and securities belonging to the system and provide adequate safe deposit facilities for them;

(2) to receive all items of cash belonging to the system;

(3) to collect the interest and principal on securities acquired by the system and deposit the interest and principal in the retirement fund;

(4) to invest and reinvest the assets of the retirement fund in accordance with this section.

(b) When, in the opinion of the commissioner of administration, there is on hand in the retirement fund a surplus over and above a reasonably safe amount to take care of current demands upon the fund, the surplus or so much of it as in the judgment of the commissioner of administration is considered proper may be invested by the commissioner of revenue in (1) bonds or other interest-bearing obligations and securities of the United States or an agency of the United States, a state of the United States, or a political subdivision of any state of the United States, if the political subdivision has a population as shown by the last federal census preceding the investment of no less than 30,000 inhabitants, except no population limitation applies to a political subdivision of this state; (2) first lien real estate mortgage securities insured by the Federal Housing Administration under the National Housing Act of the United States, or held by the Department of Commerce, or the Department of Natural Resources; (3) corporation bonds, and preferred and common stocks as the commissioner of revenue considers proper investments for the funds; (4) shares of federally chartered savings and loan associations in Alaska, to the extent that the investment is insured by the federal government or by an agency of the federal government; (5) deposits with mutual savings banks in Alaska, to the extent that the investment is insured by the federal government or an agency of the federal government; (6) deposits with state and national banks in Alaska to the extent that the investment is insured by the federal government or an agency of the federal government; (7) loans guaranteed by the division of veterans' affairs under AS 26.15.040(b); (8) [deleted] (9) the guaranteed portion of Small Business Administration loans; (10) first lien real estate mortgages guaranteed by the federal Veterans Administration; (11) notes secured by mortgages of commercial or residential real estate or other security if the mortgages are insured by a corporation which is authorized to do business in Alaska and has combined capital, surplus and reserves aggregating at least $20,000,000; (12) conventional residential mortgages if the originating financial institution retains at least 25 percent of the mortgage for a minimum of two years; (13) notes secured by mortgages of commercial real estate if the originating financial institution retains at least 25 percent of the mortgage; (14) FHA guaranteed portion of business and industrial loans made under the Rural Development Act of 1972; (15) guaranteed portion of loans made under the Federal Ship Financing Act of 1972. No more than 25 percent of the surplus may be invested in mortgage securities of the Department of Commerce, and the state shall appropriate sufficient money from the general fund to reimburse the teachers' retirement system for any losses incurred as a result of failure of the obligors to pay on the notes. No more than $400,000 of the surplus may be invested annually in the mortgage securities of the Department of Natural Resources, and the state shall appropriate sufficient money from the general fund to reimburse the teachers' retirement system for any losses incurred as a result of failure of the obligors to pay on the notes.

(c) in making investments the commissioner of revenue shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income there-from as well as the probable safety of their capital. However, no more than 50 percent of the retirement fund may be invested at any given time in corporate stocks and bonds, nor may more than five percent of the voting stock of any corporation be owned. Stocks eligible for purchase are restricted to stocks which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Federal Securities and Exchange Commission. (am Sec. 26 ch 53 SLA 1973)

(d) Except as provided above, the commissioner of revenue may:

(1) invest and reinvest the principal and income of the retirement fund without distinction between principal and income;

(2) sell, exchange, convey, transfer or otherwise dispose of any investment of the retirement fund held in the name of the system by private contract or at public auction;

(3) vote stocks, bonds or other securities; give general or special proxies or powers of attorney with or without power of substitution; exercise conversion privileges, subscription rights or other options and make payments incidental thereto; consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and delegate discretionary powers and pay assessments or charges in connection therewith, and generally exercise the powers of an owner with respect to stocks, bonds, securities or other investments held in the retirement fund;

(4) make, execute, acknowledge and deliver documents of transfer and conveyance and other instruments necessary or appropriate to carry out the powers granted by this subsection;

(5) register investments in the name of the system;

(6) do all acts whether or not expressly authorized which he considers necessary or proper for the protection of the investments held in the retirement fund. (Sec. 19 ch 145 SLA 1955; am Sec. 15 ch 89 SLA 1960; am Sec. 1 ch 128 SLA 1961; am Sec. 1 ch 90 SLA 1962; am Sec. 1 ch 110 SLA 1964; am Sec. 1 ch 55 SLA 1967; am Secs. 1,2 ch 17 SLA 1970)

(e) To qualify as a mortgage which may be purchased under (b)(12) and (13) of this section, the mortgage must

(1) have as a mortgagor an Alaska resident;

(2) be certified by the originating financial institution that the loan being sold has been made in compliance with the law and that liens supporting the loan have been perfected;

(3) have been closed after April 16, 1974 and no loan may be eligible for purchase that is held by the originating institution for a period greater than 90 days.

(f) When more than one-half of one percent of the aggregate of all loans purchased from a financial institution becomes delinquent for 60 days, the pension fund shall discontinue purchasing loans from that financial institution until the delinquency is reduced to less than one-half of one percent. (Sec. 19 ch 145 SLA 1955; am Sec. 15 ch 89 SLA 1960; am Sec. 1 ch 128 SLA 1961; am Sec. 1 ch 90 SLA 1962; am Sec. 3 ch 4 SLA 1964; am Secs. 1,2 ch 66 SLA 1964; am Sec. 1 ch 110 SLA 1964; am Sec. 1 ch 55 SLA 1967; am Sec. 3 ch 73 SLA 1969; am Secs. 1,2 ch 17 SLA 1970; am Sec. 1 ch 112 SLA 1972; am Sec. 26 ch 53 SLA 1973; am Sec. 1,2 ch 25 SLA 1974)

Sec. 14.25.190. Actuarial evaluations of the retirement fund. Actuarial evaluations of the retirement fund shall be made at intervals of not more than five years and on the basis of the reevaluations the administrator may recommend any necessary readjustment to the legislature. Actuarial and financial experience analyses shall be prepared and certified by a member of the American Academy of Actuaries. (Sec. 21 ch 145 SLA 1955; am Sec. 16 ch 89 SLA 1960; am Sec. 29 ch 66 SLA 1973)

Sec. 14.25.200. Exemption from taxation and process. Benefits and other amounts held in the retirement fund on behalf of the members are exempt from Alaska state and municipal taxes and are not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, garnishment, execution or levy of any kind, either voluntary or involuntary before they are received by the person entitled to the amount under the terms of the system, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge, or otherwise dispose of any right to amounts accrued in the retirement fund is void. (Sec. 22 ch 145 SLA 1955; am Sec. 17 ch 89 SLA 1960; am Sec. 13 ch 84 SLA 1969; am Sec. 22 ch 13 SLA 1980)

Sec. 14.25.205. Time limit for application. If no application for benefits or for refund has been filed with the administrator by July 1 following the date on which an inactive member (except a member on leave of absence without pay) would attain age 75, or if no application for benefits or for refund has been filed with the administrator within the 50 years following the most recent date on which the person was an active member, no benefits or refunds may be paid under this chapter and the member's records may be destroyed. (Sec. 14 ch 84 SLA 1969; am Sec. 23 ch 13 SLA 1980)

Sec. 14.25.210. Penalty for false statements. A person who wilfully or knowingly makes a false statement, or falsifies or permits to be falsified any record of the retirement system, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $500 or by imprisonment for not more than six months, or by both and forfeits all rights under this chapter. (Sec. 20 ch 145 SLA 1955)

Sec. 14.25.220. Definitions. In this chapter, unless the context requires otherwise,

(1) "active member" means a member who is employed by an employer, is receiving compensation on a full-time or part-time basis and is making contributions to the system, or a member making contributions under AS 14.20.330 or 14.20.345;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 14.25.015;

(4) "annuitant" means a retired member or a disabled member who is receiving a benefit under this system;

(5) "average base salary" means the result obtained by dividing the sum of the member's three highest years' base salary by three, or if a member does not have three years base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the computation of the average base salary, the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

(6) "base salary"

(A) means the total remuneration payable under contract for a full year of membership service, including addenda to the contract;

(B) has the same meaning as "compensation" under AS 39.35.680(8) when applied to a state legislator who elects membership under AS 14.25.040(b);

(7) "beneficiary" means a person designated by a member to receive benefits that may be due from the system upon the member's death;

(8) "BIA service" means service, including partial years, as a teacher in a school operated by the Bureau of Indian Affairs in Alaska;

(9) "compensation" means the total remuneration paid under contract to a member for services rendered during a school year; for purposes of AS 14.25.050, compensation paid includes any payment made after June 30 of a school year for services rendered before the end of the school year;

(10) "credited service" means all membership service as provided in (20) of this section, plus outside, military, and BIA service not exceeding 15 years, with outside and military service limited to 10 years except under the conditions set out in AS 14.25.100;

(11) "deferred vested member" means an inactive member who meets the service requirements of a vested member;

(12) "dependent child" means an unmarried child of a member, including an adopted child, who is dependent upon the member for support and who is either (A) less than 19 years old, or (B) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education; the age limits set out in this paragraph do not apply to a child who is totally and permanently disabled;

(13) "disabled member" means a member who is terminated, who has not received a refund from the system, and who is receiving a disability benefit from the system;

(14) "early retirement" means retirement under AS 14.25.110(b);

(15) "employer" means a public school district, the Board of Regents of the University of Alaska, the Department of Education, the National Education Association of Alaska, the Regional Resource Centers or the state legislature with respect to a state legislator who elects membership under AS 14.25.040(b);

(16) "former member" means a member who is terminated and who received a total refund of the balance of the mandatory contribution account, or who has requested in writing a refund of the balance of the mandatory contribution account;

(17) "full-time teacher" means a teacher occupying a position requiring teaching on a regular basis for the normal work period per day or week at a teaching assignment, excluding teaching as an assistant or graduate assistant or teaching on a substitute, temporary, or per diem basis;

(18) "inactive teacher or member" means a member who is terminated and who has not received a refund from the system or a member who is on leave of absence and who is not making contributions under AS 14.20.345;

(19) "mandatory contribution account" means the account maintained by the system to record the mandatory contributions of each member, including interest and adjustments to the account in accordance with AS 14.25.170;

(20) "membership service" means

(A) full or part-time service as a teacher in a public school in the Territory or state of Alaska, or both, under the supervision and control of the Territorial Board of Education or the Department of Education or the school board of a city, regional educational attendance area, or borough school district;

(B) full-time or part-time teaching at the University of Alaska or a full-time administrative position at the University of Alaska which requires academic standing and which has been approved for inclusion in the system by the administrator;

(C) any period during which the teacher receives a disability benefit under this system or is on an approved sabbatical leave granted in accordance with AS 14.20.310; or

(D) continuous service as a state legislator when performed by a state legislator who elects membership under AS 14.25.040(b), subject to the requirements of AS 14.25.040(c);

(21) "military service" means active duty in the armed forces of the United States;

(22) "nonpublic school" means a school established by an agency other than a state which is primarily supported by other than public funds, and operation of whose program rests with other than publicly elected or appointed officials, and is state approved or accredited;

(23) "non-vested member" means an active or inactive member who does not meet the requirements of a vested member or deferred vested member;

(24) "normal retirement" means retirement under AS 14.25.110(a);

(25) "outside service" means service

(A) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an out-of-state public school within the United States, or in a school outside the United States supported by funds of the United States;

(B) as a certificated full-time elementary or secondary teacher or a certificated person in a full-time position requiring a teaching certificate as a condition of employment in an approved or accredited nonpublic school within the United States, or in a school outside the United States supported by funds of the United States;

(C) in a full-time position requiring academic standing in an out-of-state institution of higher learning accredited by a nationally recognized accrediting agency as listed in the Education Directory — Colleges and Universities by the National Center for Education Statistics;

(D) as a full-time teacher in an approved or accredited nonpublic institution of higher learning in Alaska;

(26) "part-time teacher" means a teacher occupying a position requiring teaching on a regular basis for at least 50 percent of the normal work week at a teaching assignment, excluding teaching as an assistant or graduate assistant, or teaching on a substitute, temporary, or per diem basis;

(27) "permanent disability" means a physical or mental condition which, in the judgment of the administrator, based upon medical reports and other evidence satisfactory to the administrator, presumably prevents a member from satisfactorily performing the member's usual duties for the member's employer or the duties of another position or job which an employer makes available for which the member is qualified by training or education;

(28) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system, for crediting interest to members' contributions, and for charging interest on members' indebtedness accounts;

(29) "public school" means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of those officials and which is supported by public funds;

(30) "retired teacher or member" means a member who is terminated, who has not received a refund from the system, and who is receiving a benefit, other than disability, from the system;

(31) "retirement" means that period of time from the first day of the month following

(A) the date of termination; and

(B) application for retirement in which a person is appointed to receive a retirement benefit, other than a disability benefit;

(32) "retirement benefit" means the annuity received by a retired member from the system;

(33) "retirement fund" means the fund consisting of all matching contributions by local school districts, money made available by appropriations by the state legislature and from all contributions from whatever source, and income and interest derived from the investment of money;

(34) "Retirement System of 1945" and "Retirement Fund of 1945" or like terms mean the system and fund established in sections 37-5-21 — 37-5-35, ACLA 1949;

(35) "school year" means the 12-month period beginning July 1 of each year and ending June 30 of the following year;

(36) "supplemental contribution account" means the account maintained by the system to record the supplemental contributions of each member, including interest and adjustments to the account in accordance with AS 14.25.170;

(37) "system" means the Teachers' Retirement System of Alaska;

(38) "teacher" or "member" means a person eligible to participate in the system and who is covered by the system, including:

(A) a certificated full-time or part-time elementary or secondary teacher, a certificated school nurse, or a certificated person in a position requiring a teaching certificate as a condition of employment in a public school of the state;

(B) the commissioner of education and all supervisory positions in the Department of Education;

(C) a full-time or part-time teacher of the University of Alaska or a person occupying a full-time administrative position at the University of Alaska which requires academic standing; the approval of the administrator must be obtained before an administrative position qualifies for membership in the system;

(D) a state legislator who elects membership under AS 14.25.040(b);

(39) "vested member" or "vested teacher" means an active member who has completed either

(A) 15 years of service, the last five of which have been membership service, for a member first hired before July 1, 1975; or

(B) eight years of membership service; or

(C) five years of membership and three years of BIA service;

(40) "year of service" means membership service during the dates set for a school year; partial-year service credit is given for membership service before July 1, 1969, during any school year as follows: (A) less than 20 days, no credit; (B) 20 days or more but less than 35 days, 0.2 years; (C) 35 days or more but less than 49 days, 0.3 years; (D) 49 days or more but less than 63 days, 0.4 years; (E) 63 days or more but less than 77 days, 0.5 years; (F) 77 days or more but less than 91 days, 0.6 years; (G) 91 days or more but less than 105 days, 0.7 years; (H) 105 days or more but less than 119 days, 0.8 years; (I) 119 days or more but less than 133 days, 0.9 years; (J) 133 days or more, 1.0 years; partial-year service credit is given for membership service after July 1, 1969, during any school year as follows: (A) less than nine days, no credit; (B) nine days or more but less than 27 days, 0.1 years; (C) 27 days or more but less than 45 days, 0.2 years; (D) 45 days or more but less than 63 days, 0.3 years; (E) 63 days or more but less than 81 days, 0.4 years; (F) 81 days or more but less than 100 days, 0.5 years; (G) 100 days or more but less than 118 days, 0.6 years; (H) 118 days or more but less than 136 days, 0.7 years; (I) 136 days or more but less than 154 days, 0.8 years; (J) 154 days or more but less than 172 days, 0.9 years; (K) 172 days or more, 1.0 years; if service is performed on a part-time basis, one-half credit shall be given for each day of service.

(Repealed and reenacted Sec. 24 ch 13 SLA 1980)

Chapter 30. Pupils

Article
1. Compulsory Education (Sec. 14.30.010 — 14.30.050)
2. Physical Examinations (Sec. 14.30.060 — 14.30.170)

Article
3. Education for Exceptional Children (Sec. 14.30.180—14.30.350)
4. Bilingual-Bicultural Education (Sec. 14.30.400 — 14.30.410)

Article 1. Compulsory Education

Section
10. When attendance compulsory
20. Violation
30. Report of violations and procedures
40. Repealed

Section
45. Grounds for suspension or denial of admission
47. Admission or readmission, when cause no longer exists
50. Truant officers

Sec. 14.30.010. When attendance compulsory. (a) Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between seven and 16 years of age shall insure that the child is not absent from attendance.

(b) This section does not apply if a child

(1) is provided an academic education comparable to that offered bv the public schools in the area, either by

(A) attendance at a private school in which the teachers are certificated according to AS 14.20.020;

(B) tutoring by personnel certificated according to AS 14.20.020; or

(C) attendance at a private school in which the average student proficiency is not less than the average proficiency found in the public schools in the area as measured by national achievement tests; the Department of Education with assistance from representatives of the private schools shall promulgate regulations defining the subject areas to be tested and the minimum average scores to be achieved;

(am Sec. 4 ch 126 SLA 1978)

(2) attends a school operated by the federal government;

(3) has a physical or mental condition which a competent medical authority determines will make attendance impractical;

(4) is in the custody of a court or law enforcement authorities;

(5) is temporarily ill or injured;

(6) has been suspended or denied admittance according to sec. 45 of this chapter;

(7) resides more than two miles from either a public school or a route on which transportation is provided by the school authorities, except that this subsection does not apply if the pupil resides within two miles of a federal or private school which he is eligible and able to attend;

(8) is excused by action of the school board of the district at a regular meeting or by the district superintendent subject to approval by the school board of the district at the next regular meeting; (am Sec. 1 ch 10 SLA 1977)

(9) has completed the 12th grade;

(10) is enrolled in a full-time program of correspondence study approved by the department; in those school districts providing an approved correspondence study program, a student may be enrolled either in the district correspondence program or in the centralized correspondence study program;

(11) is equally well-served by an educational experience approved by the school board as serving his educational interests despite an absence from school, the request for excuse is made in writing by his parents or guardian, and approved by the principal or administrator of the school he attends. (am Sec. 1 ch 30 SLA 1976)

(Sec. 37-7-1 ACLA 1949; am Sec. 36 ch 98 SLA 1966; am Sec. 5 ch 71 SLA 1972; am Sec. 5 ch 190 SLA 1975)

Sec. 14.30.020. Violation. A person violating section 10 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $50 nor more than $200, plus the cost of prosecution, and may be imprisoned until the fine and costs are paid or until he has served one day for every $2 of the fine and costs, at which time the fine and costs are automatically discharged. Each unlawful absence is a violation and if an absence is extensive there is a new violation each time five consecutive days of the absence elapse. The court may suspend sentence, stay or postpone enforcement of execution, or release from custody a person found guilty upon the conditions which are in the best interests of the child. In any event, at the expiration of the school year, the person shall be released and discharged from all penalties provided by this section. (Sec. 37-7-2 ACLA 1949; am Sec. 37 ch 98 SLA 1966)

Sec. 14.30.030. Report of violations and procedures. The chief administrative officer of a district or state-operated school shall report all apparent violations of section 10 of this chapter to the governing body of the district. The governing body shall, on receiving the report or on the complaint of any person, provide for a full and impartial investigation of all charges of violation. In private or federal schools, the chief administrative officer shall make a full and impartial investigation of all charges of violation. If it reasonably appears upon investigation that a person has violated section 10 of this chapter, the governing body of a district or state-operated school, or the chief administrative officer of a private or federal school, shall make and file with the district court a complaint against the person, charging the violation. The judge or magistrate may issue a warrant for the arrest of the person and may act upon the complaint. (Sec. 37-7-3 ACLA 1949; am Sec. 1 ch 32 SLA 1949; am Sec. 38 ch 98 SLA 1966)

Sec. 14.30.040. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.045. Grounds for suspension or denial of admission. A school age child may be suspended from or denied admission to the public school which he is otherwise entitled to attend only for the following causes:

(1) continued wilful disobedience or open and persistent defiance of reasonable school authority;

(2) behavior which is inimical to the welfare, safety, or morals of other pupils;

(3) a physical or mental condition which in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

(4) a physical or mental condition which in the opinion of a competent medical authority will cause the attendance of the child to be inimical to the welfare of other pupils;

(5) conviction of a felony which the governing body of the district determines will cause the attendance of the child to be inimical to the welfare or education of other pupils. (Sec. 39 ch 98 SLA 1966)

Sec. 14.30.047. Admission or readmission, when cause no longer exists. (a) A child who has been suspended from or denied admittance to a school according to sec. 45(3) or (4) of this chapter shall be permitted to attend school when he is obviously recovered or presents to the governing body a statement in writing from a competent medical authority that he is no longer afflicted with, or suffering from, the physical or mental condition to the extent that it is a cause for suspension or denial of admission according to sec. 45(3) or (4) of this chapter.

(b) A child who has been suspended from or denied admittance to a school for any other cause provided by sec. 45 of this chapter shall be permitted to attend school when it reasonably appears that the cause has been remedied. (Sec. 40 ch 98 SLA 1966)

Sec. 14.30.050. Truant officers. (a) If it is not practical for an existing law enforcement agency to enforce section 10 of this chapter, the governing body of the school district or the Bureau of Indian Affairs may appoint the necessary truant officers to enforce section 10 of this chapter. The state shall not contribute to the expenses of an officer appointed by the Bureau of Indian Affairs.

(b) A truant officer may arrest and bring before any district court judge or magistrate, a person violating section 10 of this chapter upon a warrant issued by the district court judge or magistrate. (Sec. 37-7-5 ACLA 1949; am Sec. 41 ch 98 SLA 1966)

Article 2. Physical Examinations.

Section
60. Repealed
65. Supervision
70. Physical examination required
80. Repealed
110. Repealed

Section
120. Certificate of physical examination
125. Immunization
130. Repealed
170. Repealed

Sec. 14.30.060. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.065. Supervision. The program of physical examination and immunizations prescribed by sections 65—125 of this chapter shall be under the general supervision and in accordance with regulations of the Department of Health and Social Services. (Sec. 42 ch 98 SLA 1966; am Sec. 1 ch 131 SLA 1967; am Sec. 6 ch 104 SLA 1971)

Sec. 14.30.070. Physical examination required. (a) The governing body of each school district shall provide for and require a physical examination of every child attending school in the district. The examination shall be made when the child enters school or, in areas where no physician resides, as soon thereafter as is practicable, and thereafter at regular intervals considered advisable by the governing body of the district.

(b) The Department of Health and Social Services may require the district to conduct additional physical examinations which it considers necessary, and may reimburse the district for the additional examinations on the basis and to the extent the commissioner of health and social services prescribes by regulation.

(c) Examinations shall be made by a competent physician, except that if the services of a physician cannot be obtained or if authorized by the commissioner of health and social services examinations may be made by a nurse. (Sec. 37-7-11 ACLA 1949; am Sec. 10 ch 118 SLA 1949; am Sec. 1 ch 72 SLA 1953; am Sec. 43 ch 98 SLA 1966; am Sec. 6 ch 104 SLA 1971)

Sec. 14.30.080 — Sec. 14.30.110. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.120. Certificate of physical examination. The school board, when physical examinations are made, shall deliver to the parent, guardian, or other person having the responsibility for or control of the child a report signed by the physician or nurse making the examination, specifying the findings with respect to the health and physical well-being of the child. (Sec. 37-7-13 ACLA 1949; am Sec. 12 ch 118 SLA 1949; am Sec. 44 ch 98 SLA 1966)

Sec. 14.30.125. Immunization. If in the judgment of the commissioner of health and social services it is necessary for the welfare of the children or the general public in an area, the governing body of the school district shall require the children attending school in that area to be immunized against the diseases the commissioner of health and social services may specify. (Sec. 45 ch 98 SLA 1966; am Sec. 2 ch 131 SLA 1967; am Sec. 6 ch 104 SLA 1971)

Sec. 14.30.130—14.30.170. Repealed. (Sec. 59 ch 98 SLA 1966)

Article 3. Education for Exceptional Children

Section
180. Purpose
185. Repealed
186. Coverage
190. Repealed
191. Educational assessment
200. Repealed
230. Repealed
231. Advisory committee
240. Repealed
250. Teacher qualifications
260. Exception to qualifications
270. Substitutes
280. Psychologist qualifications

Section
285. Transfers of exceptional children
295. Repealed
300. Repealed
305. Children hospitalized or confined to their homes
310. Repealed
320. Repealed
330. Application for enrollment
340. When not required to enroll
345. Repealed
347. Transportation of exceptional children
350. Definitions

Sec. 14.30.180. Purpose. It is the purpose of sections 180—350 of this chapter to provide competent education services for the exceptional children in the state who are at least three years of age and for whom the regular school facilities are inadequate or not available. (Sec. 1 ch 120 SLA 1959; am Sec. 1 ch 144 SLA 1970; am Sec. 1 ch 79 SLA 1974)

Sec. 14.30.185. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.30.186. Coverage. (a) A borough or city school district shall provide for special services for exceptional children represented by not less than five children residing in the district.

(b) The board of a regional educational attendance area shall provide for special services in a school in the area for exceptional children represented by not less than five children residing in the area served by the school.

(c) Nothing in this section shall prevent special services from being offered to classifications represented by less than five children.

(d) A school district or a regional educational attendance area required by secs. 10—305 of this chapter to provide special services for exceptional children may cooperate with one or more school districts or regional educational attendance areas in providing special classes. If, under the cooperative agreement, there are no special classes offered within a school district or regional educational attendance area, exceptional children may attend special classes in the cooperating school district or regional educational attendance area providing the special classes.

(Sec. 2 ch 81 SLA 1965; am Sec. 1 ch 46 SLA 1966; am Sec. 46 ch 98 SLA 1966; am Sec. 22 ch 46 SLA 1970; am Secs. 2, 3 ch 144 SLA 1970; am Secs 23, 24 ch 124 SLA 1975)

Sec. 14.30.190. Repealed. (Sec. 4 ch 144 SLA 1970)

Sec. 14.30.191. Educational assessment. (a) Before placement in a special education program and not less than once a year for as long as the child is assigned to a special education program, an exceptional child shall receive an educational assessment for the identification and classification of the learning, mental and physical status of the child.

(b) Upon completion of the assessment and before placement, the school district shall provide to the parent or guardian of each exceptional child, an opportunity for consultation about the assessment. A consultation will be available after each reevaluation of the condition and placement of the exceptional child.

(c) If a parent or guardian believes that the educational assessment of his child is in error, he may request an independent examination and evaluation of the child. If a substantial discrepancy exists between the educational assessment of the school district and the independent evaluation, and if the parent or guardian so requests, a hearing shall be held before a hearing officer in order to resolve the discrepancy between evaluations and to determine the appropriate educational program placement for the exceptional child. The Department of Education shall adopt regulations for the conduct of hearings authorized by this section, for the appointment and qualifications of the hearing officer. Regulations adopted and proceedings conducted under this section are subject to the Administrative Procedure Act.

(d) The Department of Education and the Department of Health and Social Services shall cooperatively establish by regulation diagnostic standards for the identification and classification of the learning, mental and physical status of exceptional children. Standards relating to special education programs, individual or general, shall remain the responsibility of the Department of Education in conjunction with the local education agency. (Sec. 5 ch 144 SLA 1970; am Sec. 6 ch 104 SLA 1971; am Sec. 2 ch 79 SLA 1974)

Sec. 14.30.200—14.30.220. Repealed. (Sec. 5 ch 70 1963)

Sec. 14.30.230. Repealed. (Sec. 6 ch 144 SLA 1970)

Sec. 14.30.231. Advisory committee. The commissioner of education and the commissioner of health and social services shall establish an advisory committee, the function of which is to provide information and guidance for the development of appropriate special education programs and services for exceptional children. Membership of the advisory committee shall include, but not be limited to, persons representing local education agencies, state agencies, parent groups and organizations concerned with programs and services for exceptional children. (Sec. 7 ch 144 SLA 1970; am Sec. 6 ch 104 SLA 1971)

Sec. 14.30.240. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.250. Teacher qualifications. No person shall be employed to teach a class for exceptional children unless he possesses a valid teacher certificate, and, in addition, such training as the department may require by regulations. (Sec. 9 ch 120 SLA 1959; am Sec. 47 ch 98 SLA 1966)

Sec. 14.30.260. Exception to Qualifications. The school board for a district or regional educational attendance area may waive part of the qualifications for teachers as set out in section 250 of this chapter, if necessary, during the first school year special services are offered in the district or area.

(Sec. 10 ch 120 SLA 1959; am Sec. 6 ch 125 SLA 1961; am Sec. 48 ch 98 SLA 1966; am Sec. 23 ch 46 SLA 1970; am Sec. 25 ch 124 SLA 1975)

Sec. 14.30.270. Substitutes. Section 250 of this chapter does not prohibit the employment of a person, otherwise qualified to serve as a substitute teacher, to serve as a teacher of a class for exceptional children. (Sec. 12 ch 120 SLA 1959; am Sec. 49 ch 98 SLA 1966)

Sec. 14.30.280. Psychologist qualifications. The minimum standards for a psychologist are the minimum standards set out in the state classification plan for a psychologist, and such additional requirements as the department prescribes by regulation. (Sec. 11 ch 120 SLA 1959; am Sec. 2 ch 125 SLA 1961; am Sec. 50 ch 98 SLA 1966)

Sec. 14.30.285. Transfers of exceptional children. (a) The Department of Education shall institute a statewide program for the education of exceptional children, to insure that whenever possible children are educated in the state at locations in or near their resident school district.

(b) The identified exceptional child may be sent to another school district or in-state educational program if the child resides in a district or school attendance area where an adequate program of education for an exceptional child is not available and if the commissioner of education determines that another school district or in-state educational program is adequate to meet his needs. If the school district approves the enrollment of the exceptional child in another school district or in-state institution and the child is enrolled, the child's education expenses shall be paid as follows:

(1) the sending school district shall pay the receiving district or institution an amount of money equal to the sending district's local cost-per-pupil rate;

(2) the Department of Education shall pay the remainder of the annual cost of the child's education above that provided for in (1) of this subsection.

(c) The identified exceptional child may be sent out of the state for special education if the child resides in a district or school attendance area where the educational program offered is not appropriate for the needs of the child and if the commissioner of education determines it is not feasible for the child to be enrolled in a special program in the state. If the Department of Education approves the enrollment of an exceptional child in an out-of-state institution and the child is enrolled in the institution, the child's education expenses shall be paid by the Department of Education.

(d) For the purposes of this section a child's education expenses are limited to the actual cost of necessary care, transportation and instruction, including room and board, while attending the designated institution.

(e) The educational assessment of an exceptional child which indicates that the educational program which is locally available is inappropriate for the needs of the child shall conform to the standards set out in section 191 of this chapter.

(f) No child may be transferred to a school outside the district in which the child resides without the consent of the parent or guardian. (Sec. 2 ch 46 SLA 1966; am Secs. 8, 9, ch 144 SLA 1970; am Sec. 6 ch 71 SLA 1972; am Sec. 3 ch 79 SLA 1974)

Sec. 14.30.295. Repealed. (Sec. 4 ch 79 SLA 1974)

Sec. 14.30.300. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.305. Children hospitalized or confined to their homes. Special instructional services for exceptional children who are hospitalized or confined to their homes may be provided by a school district. A child who receives at least 10 hours of instruction per week may be counted as a pupil in average daily membership when computing state support under the public school foundation program. (Sec. 2 ch 46 SLA 1966)

Sec. 14.30.310. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.320. Repealed. (Sec. 5 ch 70 SLA 1963)

Sec. 14.30.330. Application for enrollment. (a) The parent or guardian of an exceptional child, or the school administrator, for exceptional children residing in the district or area in which the administrator is employed, shall make application for the enrollment of the child. If the administrator makes the application, it shall be with the full knowledge and consent of the parent or guardian.

(b) The application shall be on forms provided by the department and shall be submitted to the governing body of the district in which the child resides. When an application is submitted to a school board, it shall be forwarded to the commissioner.

(c) Final certification of a student for special services is the responsibility of the commissioner. The child shall undergo evaluation as defined by regulation of the department by qualified personnel for the purpose of determining whether or not the child is capable of receiving benefit from enrollment in a special education program. If determined eligible and capable of receiving benefit, and upon approval of the application by the commissioner, the child shall be recommended for enrollment. (Sec. 17 ch 120 SLA 1959; am Sec. 4 ch 125 SLA 1961; am Sec. 51 ch 98 SLA 1966; am Sec. 12 ch 144 SLA 1970)

Sec. 14.30.340. When not required to enroll.

No handicapped child may be required to enroll in a special education program if the parent or guardian of the child certifies to the satisfaction of the school board of the public school system where the child resides that the child is receiving adequate educational advantages. A child shall be excused from the compulsory education requirements if a physician certifies in writing that the child's bodily, mental or emotional condition does not permit his attendance at school. (Sec 18 ch 120 SLA 1959; Sec 6 ch 125 SLA 1961)

Sec. 14.30.345. Repealed. (Sec 59 ch 98 SLA 1966)

Sec. 14.30.347. Transportation of exceptional children.

When transportation is required to be provided as part of special services, exceptional children shall be carried with other children, except when the nature of their physical or mental handicaps is such that it is in the best interest of the exceptional children, as determined by the school district, that they be transported separately. State reimbursement for transportation of exceptional children shall be as provided for transportation of all other pupils except that eligibility for reimbursement shall not be subject to restriction based on the minimum distance between the school and the residence of the exceptional child. (am Sec 1 ch 52 SLA 1976)

Sec. 14.30.350. Definitions.

(1) "exceptional children" means children who differ markedly from their peers to the degree that they are better served by placement in a special learning program designed to serve their particular exceptionality; these children may be identified in the following categories:

(A) "mentally retarded" includes those children of educable and trainable mind who consistently demonstrate evidence of reduced academic achievement or social behavior and whose intellectual potential indicates restriction significantly below that of their peers;

(B) "physically handicapped" includes children whose known or diagnosed physical impairments are so severe or involved that special facilities, equipment or methods are needed to make their educational program effective;

(C) "emotionally handicapped" includes children whose known or diagnosed emotional impairment is so severe or involved that special facilities, equipment or methods are needed to make their educational program effective;

(D) "children with learning disabilities" includes those who exhibit disorders in one or more of the basic learning processes involved in comprehending or using expressive or receptive language and who may require special facilities, equipment or methods to make their educational program effective;

(E) "gifted" includes children having outstanding intellect, ability or creative talent; programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis;

(F) "multiple — handicapped" includes children whose known or diagnosed handicaps are determined to be any combination of (A) — (E) of this paragraph whose needs demand the provision of special facilities, equipment or methods to make their educational program effective;

(2) "special services" means but is not limited to transportation, special teaching, corrective teaching, corrective health habits, and the provision of special seats, books, teaching supplies, facilities, and equipment required for the instruction of exceptional children, and includes education and training for children who cannot utilize regular classroom instruction. (Sec 2 ch 120 SLA 1959; am Secs 5, 6 ch 81 SLA 1965; Secs 13, 14 ch 144 SLA 1970)

Article 4. Health Education.

360. Curriculum
370. Evaluation

Sec. 14.30.360. Curriculum. (a) Each district in the state public school system shall be encouraged to initiate and conduct a program in health education for kindergarten through grade 12. The program should include instruction in physical health including alcohol and drug abuse education, dental health, family health, environmental health, and appropriate use of health services.

It is the intent of the legislature that public school systems implement a program of alcohol and drug abuse education in coordination with other health education programs.

(am Sec 1 ch 106 SLA 1978)

(b) The state Board of Education shall establish by regulation guidelines for a health education program. A school health education specialist position shall be established and funded in the Department of Education to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school districts, and a program of teacher training in health education shall be provided.

Sec. 14.30.370. Evaluation. Health education programs conducted under sec. 360 of this chapter shall be evaluated by the Department of Education in the same manner as other curriculum programs are evaluated, except that the evaluation shall also include changes in the health status of the pupils as determined by physical and dental examinations conducted under secs. 70 and 120 of this chapter. (Sec 1 ch 188 SLA 1976)

Article 4. Bilingual-Bicultural Education.

400. Bilingual-bicultural education
410. Bilingual-bicultural education fund

Sec. 14.30.400. Bilingual-bicultural education. City or borough district school boards and regional educational attendance area boards shall provide a bilingual-bicultural education program for each school in a city or borough school district or regional educational attendance area which is attended by at least eight pupils of limited English-speaking ability and whose primary language is other than English. A bilingual-bicultural education program shall be provided under a plan of service which has been developed in accordance with regulations adopted by the department. Nothing in this section precludes a bilingual-bicultural education program from being provided for less than eight pupils in a school. (Sec 26 ch 124 SLA 1975)

Sec. 14.30.410. Bilingual-bicultural education fund. (a) There is in the Department of Education a bilingual-bicultural education fund which is an account in the general fund to receive money appropriated by the legislature for bilingual-bicultural education and to be used for bilingual-bicultural education program implementation and materials development. (am Sec 9 ch 115 SLA 1978)

(b) The department shall adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts and regional educational attendance areas and the statewide center.

(Sec 26 ch 124 SLA 1975)

Chapter 33. Pupil Safety

Article
1. School Safety Patrols (Sec. 14.33.010 — 14.33.060)

Article 1. School Safety Patrols.

Section
10. Requirements for school safety patrols
20. Organization of a patrol
30. Duties of a patrol

Section
40. Guidance for patrols
50. Cooperation with law enforcement authorities
60. Immunity from liability

Sec. 14.33.010. Requirements for School Safety Patrols. The school board of a borough or city school district or regional educational, or a private or denominational school may require that school safety patrols be established to assist pupils to cross streets and highways adjacent to schools in safety. (Sec. 1 ch 68 SLA 1964; am Sec. 53 ch 98 SLA 1966; Sec. 25 ch 46 SLA 1970; am Sec. 27 ch 124 SLA 1975)

Sec. 14.33.020. Organization of a patrol. (a) If a school board, or a private or denominational school determines that a safety patrol should be established for a school, the principal of the school shall appoint pupils in the school to serve as members of the patrol.

(b) A pupil shall not be appointed a patrol member unless his parents or guardian give written consent to his membership in the patrol.

(c) The principal shall designate a teacher or teachers in the school to supervise the operation of the patrol.

(d) The principal shall consult with the local law enforcement authority to determine those locations adjacent to the school where the patrol may be most advantageously used.

(Sec. 1 ch 68 SLA 1964; am Sec. 26 ch 46 SLA 1970; am Sec. 28 ch 124 SLA 1975)

Sec. 14.33.030. Duties of a patrol. (a) Patrol members shall

(1) encourage pupils to refrain from crossing streets and highways at other than regular crossings;

(2) direct pupils not to cross streets and highways when the presence of traffic renders crossing unsafe;

(3) when directed, assist pupils to safely board or leave school buses.

(b) A patrol member shall not, under any circumstances, be permitted to direct vehicular traffic or be stationed in a street or highway while performing his duties. (Sec. 1 ch 68 SLA 1964)

Sec. 14.33.040. Guidance for patrols. The commissioner shall, after consulting with the commissioner of public safety, promulgate standards to guide patrol members in the conduct of their duties, and shall specify appropriate insignia to be worn by patrol members while on duty. (Sec. 1 ch 68 SLA 1964)

Sec. 14.33.050. Cooperation with law enforcement authorities. The state troopers or the police department of a political subdivision of the state may, upon request by the department, a school board, or a private or denominational school, assist in the training and control of safety patrols. (Sec. 1 ch 68 SLA 1964; am Sec. 22 ch 127 SLA 1974)

Sec. 14.33.060. Immunity from liability. The state or a political subdivision of it, a school board or any individual member of it, a private or denominational school, principal, teacher, patrol member, or parent or guardian of a patrol member is immune from liability which might otherwise be incurred as a result of an injury caused by an act or the failure to act on the part of a patrol member while on duty. (Sec. 1 ch 68 SLA 1964)

Chapter 35. Vocational Education

Section
10. Acceptance of Act of Congress for vocational education
20. Duties of state Board of Education
Section
25. Duties of the Department of Education
30. Commissioner of administration as custodian of federal funds
40. Repealed

Sec. 14.35.010. Acceptance of Act of Congress for vocational education. The State of Alaska accepts together with the benefits of all respective funds appropriated thereunder, all of the provisions of the Act of Congress approved February 23, 1917, Public Law 347, 64th Congress, entitled: "An Act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture, home economics and trades and industries; to provide for the cooperation of the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and Acts amending or supplementing it. (Sec. 37-9-1 ACLA 1949)

Sec. 14.35.020. Duties of State Board of Education. (a) The State Board of Education serves as the state board for the purposes of any of the Acts described in sec. 10 of this chapter.

(b) When required by any of the Acts described in sec. 10 of this chapter the board shall

(1) prepare, submit, and supervise the administration of the plans for vocational education and vocational rehabilitation;

(2) select a state director of vocational education;

(3) establish the minimum qualifications for teachers, supervisors, or directors;

(4) determine the prorated basis on which money shall be available for the salary and necessary travel expenses of the state director of vocational education.

(c) Nothing in this section shall be construed to repeal or modify any existing statute. (Sec. 37-9-3 ACLA 1949; am Sec. 54 ch 98 SLA 1966)

Sec. 14.35.025. Duties of the Department of Education. When required by any of the Acts described in sec. 10 of this chapter the department shall

(1) cooperate with the United States Department of Health, Education, and Welfare in the administration of the Act;

(2) do everything necessary to entitle the state to receive money available according to the Act;

(3) represent the state in all matters relating to the administration of the Act;

(4) expend and disburse money received according to the Act;

(5) designate the districts, schools, departments, or classes to participate in the benefits of money received according to the Act. (Sec. 5 ch 98 SLA 1966)

Sec. 14.35.030. Commissioner of administration as custodian of federal funds. The commissioner of administration is designated custodian of appropriations made under any of the Acts described in sec. 10 of this chapter. He shall receive and provide for the proper custody and disbursement of all money paid to the state according to any of the Acts. (Sec. 37-9-2 ACLA 1949; am Sec. 56 ch 98 SLA 1966)

Chapter 36. Community Schools

Section
10. Purpose, intent
20. Community schools grant fund created; limitations on use
30. Grants from the state (repealed and reenacted)

Section
40. Community school program, application for grants
50. Application review, disposition
60. Technical assistance
70. Definitions

Sec. 14.36.010. Purpose, intent. (a) The community school is an expression of the philosophy that the school, as the prime educational institution of the community, is most effective when it involves the people of that community in a program designed to fulfill their educational needs. The community school promotes a more efficient use of school facilities through an extension of buildings and equipment beyond the normal school day. The purpose of this chapter is to provide state leadership and financial support to encourage and assist local school districts in the establishment of community schools.

(b) It is the intent of the legislature that

(1) a program of community school grants be established to provide assistance to local communities in the initial development, implementation, and operation of community school programs;

(2) technical assistance, monitoring, training, and coordination of statewide efforts to develop and operate community school programs be provided by the department; and

(3) the community school program will become fully operational once a plan of operation has been approved by the commissioner;

(4) evaluation of the approved plan of operation for a community school program shall be conducted by the department in cooperation with the school district at least once every four years; a report of the community school programs evaluated in the preceding year shall be presented by the commissioner to the legislature before the 15th day of each regular session of the legislature.

(am Sec. 1 ch 164 SLA 1980)

Sec. 14.36.020. Community schools grant fund created; limitations on use. There is created a community schools grant fund as an account in the general fund. The fund shall be used to make community schools grants to local attendance areas or school districts under this chapter. Legislative appropriations for community school grants shall be deposited in this fund. Community school grants may be used for planning, training and operations.

Sec. 14.36.030. Grants from the state. (a) A district operating a community school program under an approved plan of operation may receive an annual grant from the state of one-half of one percent of its public school foundation support or $10,000, whichever is greater.

(b) for each fiscal year beginning after June 30, 1980, a district operating an approved community school program under (a) of this section may receive a further grant from the state equal to the amount allocated by the district to the support of the community school program from sources other than the grant provided under (a) of this section. The additional grant under this subsection may not exceed the amount received under (a) of this section.

(c) The support of a community school program by a district under (b) of this section may be in cash or in kind. Cash support may be derived from any source the district considers appropriate. In kind support by a district is limited to support for purposes which benefit only the community school program. Cash and in kind support of the community school program by a district shall be itemized in the community education section of the district budget.

(Sec. 2 ch 164 SLA 1980 repealed and reenacted)

Sec. 14.36.040. Community school program, application for grants. Under regulations adopted by the state Board of Education, a district may submit to the commissioner an application for a community school grant. An application shall include

(1) a comprehensive plan for the community school program, including, but not limited to, before and after school hours activities for both children and adults, continued education programs for children and adults, and cultural enrichment and recreational activities for citizens in the community;

(2) a provision for a community schools advisory council;

(3) provision for communtiy school direction and coordination to include personnel requirements;

(4) an assurance that the community school program will be reasonably available to residents of all communities within the district.

(am Sec. 3 ch 164 SLA 1980)

Sec. 14.36.050. Application review, disposition. The commissioner shall review and approve, disapprove or return to the district for modification, an application for a community school program grant. (am Sec. 4 ch 164 SLA 1980)

Sec. 14.36.060. Technical assistance. On the request of a school district, the department shall provide technical assistance to a school district in developing and submitting an application for a community school program. The department may use its own staff or consultants that may be necessary to accomplish this purpose. (Sec. 1 ch 103 SLA 1975)

Sec. 14.36.070. Definitions. In this chapter

(1) "board" means the governing body of a school district;

(2) "commissioner" means the commissioner of education;

(3) "community school program" means the composite of those educational, cultural, social and recreational services provided the citizens of a community, except those services normally provided through the regular instructional program;

(4) "department" means the Department of Education;

(5) "district" means a district of the state public school system as defined in AS 14.12.010; (am Sec. 5 ch 164 SLA 1980)

(6) Repealed. (Sec. 6 ch 164 SLA 1980)

Chapter 40. University and Colleges

Article
1. Establishment and Organization (Sec. 14.40.010—14.40.117)
2. Board of Regents and President (Sec. 14.40.120—14.40.270)
3. Property and Funds (Sec. 14.40.280—14.40.450)
4. Scholarships for High School Graduates (Sec. 14.40.460—14.40.500)
5. Scholarships for Natives (Sec. 14.40.510—14.40.550)
6. Community College Act (Sec. 14.40.560—14.40.640)
7. Western Regional Higher Education Compact (Sec. 14.40.660—14.40.695)
8. Compact for Education (Sec. 14.40.700—14.40.730)
9. Scholarship Loans and Tuition Grants (Sec. 14.40.751—14.40.806)
10. Michael Murphy Scholarship Loan and Grant Fund (Sec. 14.40.810—14.40.854)
11. State Agreements with Private Institutions of Higher Education (Repealed)
11. Alaska Commission on Postsecondary Education (Secs. 14.40.901—14.40.915)
12. Free Tuition and Fees for Dependents of Prisoners of War and Those Missing in Action in Southeast Asia (Sec. 14.40.920)

Article 1. Establishment and Organization.

Section
10. University of Alaska
20. Site of university
30. Transfer of powers and duties of Agricultural College and School of Mines under Acts of Congress
40. General powers of the university
50. Discrimination because of sex, color or nationality prohibited
60. University curriculum
70. Collection of fossil remains authorized
80. Establishment of institute of marine sciences
90. Correspondence courses for prospectors and miners
100. College extension service
110. Establishment of business, economics, and public administration research program
115. Establishment of mineral industry research program
117. Establishment of Alaska Native Language Center

Sec. 14.40.010. University of Alaska. The University of Alaska shall consist of the College of Agriculture, the School of Mines, the Department of Agriculture Experiment Station, the Department of Agricultural Extension Work, and other colleges and departments which may be established, including departments of anthropology, archaeology, ethnology, museum, natural history and paleontology. (Sec. 37-10-1 ACLA 1949)

Sec. 14.40.020. Site of university. The University of Alaska is the beneficiary under the provisions of the Act of Congress approved August 30, 1890, designating the Alaska Agricultural College and School of Mines as beneficiary and the four sections of land specified by the Act of Congress approved March 4, 1915, and used as a site for the Alaska Agricultural College and School of Mines are the site for the University of Alaska. (Sec. 37-10-9 ACLA 1949)

Sec. 14.40.030. Transfer of powers and duties of Agricultural College and School of Mines under Acts of Congress. All powers, duties and obligations devolving upon the Alaska Agricultural College and School of Mines in connection with or by reason of Acts of Congress, past or future, in relation to agricultural colleges and agricultural or mining experiment stations, extension work in agriculture and instruction and extension work in the mechanic arts granted to and imposed upon the Alaska Agricultural College and School of Mines are granted and conveyed to and imposed upon the University of Alaska, and beginning with the first day of July, 1935, the University of Alaska is designated to receive all money, appropriations and grants to the state for the purposes set forth in this chapter. The comptroller of the University of Alaska is designated and appointed to receive directly and to disburse all funds which the state is entitled to receive under the Act of Congress of May 8, 1941 (38 Stat. 372), as amended by the Act of June 26, 1953 (67 Stat. 83; 7 U.S.C. 341—348). (Sec. 37-10-8 ACLA 1949; am Sec. 1 ch 107 SLA 1957)

Sec. 14.40.040. General powers of the university. There is created and established a corporation to be called the University of Alaska. It may in that name

(1) sue and be sued;
(2) receive and hold real and personal property;
(3) contract and be contracted with;
(4) adopt, use and alter a corporate seal;
(5) do and have done all matters necessary for the purpose of any function set forth in this chapter. (Sec. 37-10-2 ACLA 1949)

Sec. 14.40.050. Discrimination because of sex, color, nationality prohibited. No person shall be deprived of the privileges of the university because of sex, color or nationality. (Sec. 37-10-4 (h), 37-10-24 ACLA 1949)

Sec. 14.40.060. University curriculum. The University of Alaska shall use the property and funds acquired for the purpose of conducting a college where the leading objects shall be, without excluding other scientific and classical studies and including military tactics, to teach branches of learning related to agriculture, the mechanic arts and household economics in order to promote a liberal and practical education. (Sec. 37-10 4 (h) ACLA 1949)

Sec. 14.40.070. Collection of fossil remains authorized. The university may collect and store the bones and other remains of the mammoth, mastodon, horse, bison and other fossil remains of these and other extinct animals found in the state in mining and other excavations. (Sec. 37-10-19 ACLA 1949)

Sec. 14.40.080. Establishment of institute of marine sciences. The university may establish an institute of marine science to provide a program of education and research in physical, chemical, and biological oceanography, and related fields. When established, the institute of marine sciences shall be maintained and operated as an integral part of the university, at one or more sites determined by the Board of Regents. The powers, duties, and functions of the Board of Regents pertaining to the university extend to the institute of marine sciences in the same manner as to other departments or institutes of the universtiy. (Secs. 1, 2 ch 149 SLA 1960)

Sec. 14.40.090. Correspondence courses for prospectors and miners. (a) The university shall establish and offer to bona fide Alaska prospectors and miners in the state a correspondence course equal and parallel to the mining extension course being taught at present.

(b) The university may establish the minimum charge necessary to defray costs of material, books and postage used in the course. (Sec. 1,2 ch 14 SLA 1957)

Sec. 14.40.100. College extension service. The regents may conduct a college extension service, the leading object of which is to carry information on rural life subjects to the people of the state. (Sec. 37-10-4 (h) ACLA 1949)

Sec. 14.40.110. Establishment of business, economics, and public administration research program. The university may establish a business economics and public administration research program for the purpose of developing and publishing statistics and other information regarding the economy, government, and resources of the state. (Sec. 1 ch 80 SLA 1961)

Sec. 14.40.115. Establishment of mineral industry research program. The university shall establish a mineral industry research program and coordinate with the state and federal mineral agencies to implement the program by

(1) using the laboratory facilities and staff of the College of Earth Sciences and Mineral Industry to initiate applied and appropriate basic research in the areas of mineral beneficiation, mine and mill design, new mineral product development, and improvement of exploration methods, such as geochemical and geophysical prospecting;

(2) making the facilities of the program available for research on mineral deposits in the state;

(3) making studies on specific problems relative to Alaska's mineral industry upon request. (Sec. 1 ch 32 SLA 1963)

Sec. 14.40.117. Establishment of Alaska Native language center. The university shall establish an Alaska Native language center, the purposes of which are to:

(1) study languages native to Alaska;
(2) develop literacy materials;
(3) assist in the translation of important documents;
(4) provide for the development and dissemination of Alaska Native literature; and
(5) train Alaska Native language speakers to work as teachers and aides in bilingual classrooms. (Sec. 1 ch 175 SLA 1972)

Article 2. Board of Regents and President

Section
120. University governed by Board of Regents
130. Qualifications of regents
140. Term of office
150. Appointment of regents
160. Board meetings public, meeting notice, public facilities
170. Duties of Board of Regents
180. Religious or partisan instruction, tests and appointments
190. Report to legislature
200. Quorum
210. Powers of president of the university

Section
220. Duty of president to define duties and supervise appointees
230. Powers of regents to remove officers
240. Power of president to suspend and expel students
250. Regents to act as trustees and administer money or property from sources other than legislature or federal appropriation
260. Expansion of courses
270. Extension of compliance acts

Sec. 14.40.120. University governed by Board of Regents. The University of Alaska shall be governed by a Board of Regents consisting of 11 regents. (Sec. 37-10-3 ACLA 1949; am Sec. 1 ch 80 SLA 1973; am Sec. 1 ch 168 SLA 1975)

Sec. 14.40.130. Qualifications of regents. (a) Each regent shall be a citizen of the United States and a resident of the state. (Sec. 37-10-3 ACLA 1949)

(b) In addition to satisfying the requirements of (a) of this section, the regent appointed under Sec. 150(b) of this chapter must

(1) be enrolled as a full-time student at the University of Alaska at the time of appointment;
(2) remain a full-time student while serving.

(c) Failure of the regent appointed under Sec. 150(b) of this chapter to remain enrolled as a full-time student at the University of Alaska during his term results in forfeiture of that office.

(d) The governor shall appoint a successor from those students appearing upon the list of nominees submitted to him under Sec. 150(b) of this chapter within 60 days of a forfeiture or vacancy in the office.

(e) For purposes of this section, the term "full-time student" is defined as provided in the University of Alaska Academic Regulations.

(am Sec. 1 ch 13 SLA 1977)

Sec. 14.40.140. Term of office. Except for a student regent as specified in Sec. 150(b) of this chapter, the term of office of a regent is eight years. The term of office begins on the first Monday in February of the year in which the appointment is made. Each regent serves until his successor is appointed and qualifies. Sec. 37-10-3 ACLA 1949; am Sec. 2 ch 80 SLA 1973)

Sec. 14.40.150. Appointment of regents. (a) The governor shall appoint the regents subject to confirmation by a majority of all the members of the legislature in joint session. The names of those appointed shall be sent to the legislature within five days after the opening of the session, for confirmation or rejection. If a person appointed is not confirmed by a majority vote of all the members of the legislature, his appointment ceases and the name of another person shall be submitted within three days after the rejection. If the legislature adjourns without confirming the nominee, or if an interim vacancy occurs, the governor may appoint a qualified person to fill the vacancy. However, the person who has failed to be confirmed may not be appointed. The term of office of the appointee expires on the fifth day of the session of the legislature following the appointment.

(b) At least one member of the Board of Regents must be a student. The student shall be appointed from a list of nominees submitted to the governor. The governor shall make his appointment from the list within 60 days after it is submitted to him. The list shall consist of the names of two students from each campus of the University of Alaska after an election is held at each campus. Elections shall be conducted under rules established by the Office of the Governor. The term of office of the regent appointed from the general student body, University of Alaska, is for two years. An appointment made under Sec. 130(d) of this chapter shall be for the unexpired term of the original appointee. The term "campus" used in this subsection means a portion of the University of Alaska designated as a "campus" by the Board of Regents. (am Sec. 2 ch 13 SLA 1977)

Sec. 14.40.160. Board meetings public, meeting notice, public facilities. (a) The provisions of AS 44.62.310 apply to meetings of the Board of Regents. All meetings of the board, its committees or subcommittees, are open to the public and press except as otherwise provided in AS 44.62.310 (c). The findings of an executive session shall be made a part of the record of the proceedings of the Board of Regents. All records of the meetings and proceedings shall be open to inspection by the public and the press at reasonable times.

(b) The board may determine the time and place of its meetings. However, 30 days notice is required for all regular meetings and 10 days notice is required for special meetings of the board, its committees or subcommittees called under the bylaws or rules of procedure of the board. Emergency meetings may be called without notice.

(c) The Board of Regents shall provide adequate facilities for members of the public to attend the meetings of the board, its committees or subcommittees. (Sec. 37-10-5 ACLA 1949; am Sec. 1 ch 100 SLA 1972)

Sec. 14.40.170. Duties of Board of Regents. (a) The Board of Regents shall

(1) appoint the president of the university by a majority vote of the whole board, and the president may attend meetings of the board;
(2) fix the compensation of the president of the university, all heads of departments, professors, teachers, instructors and other officers;
(3) confer such appropriate degrees as it may determine and prescribe;
(4) have the care, control and management of all the real and personal property of the university; (am Sec. 1 ch 46 SLA 1977)
(5) keep a correct and easily understood record of the minutes of every meeting and all acts done by it in pursuance of its duties;
(6) under procedures to be established by the commissioner of administration, and in accordance with existing procedures for other state agencies, have the care, control, and management of all money of the university and keep a complete record of all money received and disbursed. (am Sec. 2 ch 46 SLA 1977)

(b) The Board of Regents may

(1) adopt reasonable roles, orders and plans with reasonable penalties for the good government of the university and for the regulation of the Board of Regents;

(2) determine and regulate the course of instruction in the university with the advice of the president. (Sec. 37-10-6 ACLA 1949)

Sec. 14.40.175. Indemnification. The Board of Regents shall insure or indemnify and protect the board, any member of the board, or any agent or employee of the University of Alaska or of the Board of Regents against financial loss and expense, including reasonable legal fees and costs arising out of any claim, demand, suit or judgment by reason of alleged negligence, alleged violation of civil rights or alleged wrongful act resulting in death or bodily injury to any person or accidental damage to or destruction of property, inside or outside the university premises, if the board member, agent or employee, at the time of the occurrence, was acting under the direction of the Board of Regents within the course or scope of his duties. (am Sec 3 ch 148 SLA 1978)

Sec. 14.40.180. Religious or partisan instruction, tests and appointments. No instruction either sectarian in religion or partisan in politics shall be permitted in any department of the university and no sectarian or partisan test shall be allowed or exercised in the appointment of regents, instructors, or other officers of the university or in the admission of students or for any purpose. (Sec. 37-10-6 ACLA 1949)

Sec. 14.40.190. Report to legislature. The Board of Regents shall make a written report to the legislature at the beginning of its regular sessions of the condition of the university property, of all receipts and expenditures and of the educational and other work performed. (Sec. 37-10-6 ACLA 1949)

Sec. 14.40.200. Quorum. No corporate business may be transacted. at any meeting of the Board of Regents unless at least six regents are present, the majority of the whole board to approve the same. (Sec. 37-10-6 ACLA 1949; am Sec. 2 ch 168 SLA 1975)

Sec. 14.40.210. Powers of president of the university. The president of the University of Alaska may

(1) give general direction to the work of the institution in all its departments subject to the approval of the Board of Regents;

(2) appoint the deans, head of departments, professors, assistants, instructors, tutors and other officers of the university to the positions established by the Board of Regents. (Sec. 37-10-7 ACLA 1949; am Sec. 1 ch 58 SLA 1957)

Sec. 14.40.220. Duty of president to define duties and supervise appointees. The president shall define the duties and supervise the performance of those persons whom he appoints to positions established by the Board of Regents. (Sec. 37-10-7 ACLA 1949; am Sec. 1 ch 58 SLA 1957)

Sec. 14.40.230. Powers of regents to remove officers. The Board of Regents may remove from office any officer of the institution by majority vote of the whole board when in its judgement the good of the university requires it. (Sec. 37-10-7 ACLA 1949; am Sec. 1 ch 58 SLA 1957)

Sec. 14.40.240. Power of president to suspend and expel students. The power to suspend and expel a student for misconduct or other cause and to reinstate him is vested solely in the president of the university. (Sec. 37-10-7 ACLA 1949; am Sec. 1 ch 58 SLA 1957)

Sec. 14.40.250. Regents to act as trustees and administer money or property from sources other than legislature or federal appropriation. The Board of Regents may receive, manage, and invest money or other real, personal or mixed property in any manner received from sources other than the state legislature or federal appropriation for the purpose of the university, its improvement or adornment, or the aid or advantage of students or faculty, and, in general, may act as trustee on behalf of the university for any of these purposes. (Sec. 37-10-20 ACLA 1949)

Sec. 14.40.260. Expansion of courses. To expand educational and cultural opportunities in the state, to keep pace with the expansion of the state in other fields, and to provide educational facilities of particular interest to residents of the state, the Board of Regents shall

(1) make a study of the principles and applicability of the junior college to the state;
(2) establish additional extension courses and such other expansion of accredited courses for students as it considers advisable;
(3) provide facilities suitable for carrying out a university program;
(4) employ personnel;
(5) procure supplies; and
(6) take all other appropriate measures to carry out the intent and purpose set forth in this section. (Sec. 1-3 ch 58 SLA 1951)

Sec. 14.40.270. Extension of compliance acts. Laws of the state designed to meet requirements of the United States government for the state's acceptance of federal grants and allotments for educational and kindred purposes are extended to cover the establishment and operation of the university expansion program set forth in Sec. 260 of this chapter. (Sec. 4 ch 58 SLA 1951)

Article 3. Property and Funds.

Section
280. Endowments and donations
290. Property and funds generally
295. Repealed
300. Creation and appointment of comptroller
310. Fiscal year
320. Repealed
330. Inventory of Property
340. Applicability of bid practices to University of Alaska
350. Board of Regents authorized to lease lands
360. Board of Regents authorized to select and to sell or lease granted by Act of Congress
370. Repealed
380. Assent of legislature to federal land and money grants

Section
390. Federal land grants to Agricultural College and School of Mines reaccepted for university
400. Fund for money from sale or lease of lands granted by Act of Congress
410. Federal grants of money to establish agricultural experiment stations
420. University designated as beneficiary under Hatch Act and empowered to establish Agricultural Experiment Station
430. Acceptance of federal appropriation for agricultural extension work
440. University designated beneficiary of Smith-Lever Act and empowered to carry on agricultural extension work
450. Governor authorized to make certificates to obtain federal grants of money

Sec. 14.40.280. Endowments and donations. All monetary gifts, bequests or endowments, other than state appropriations and federal allotments, received for the university expansion program or other use shall be turned over to the Department of Revenue. The Department of Revenue shall deposit them in the separate fund established and maintained under Sec. 400 of this chapter. Title and control or possession to land and personal property, other than money, which is devised, bequeathed or given to the university shall be taken by the university in its corporate capacity acting by and through the regents or an authorized agent, and shall be entered in the perpetual inventory of the university. (Sec. 5 ch 58 SLA 1951)

Sec. 14.40.290. Property and funds generally (a) The University of Alaska shall hold all property acquired by it. The Department of Administration, upon requisitions by the Board of Regents signed by its president and secretary, shall pay to the treasurer of the Board of Regents all federal land grant college funds coming into the possession of the Department of Administration and subject to requisition by the Board of Regents and shall disburse federal funds in aid of land grant colleges in accordance with the federal statute providing for disbursement.

(b) Repealed (Sec. 10 ch 46 SLA 1977)

Sec. 14.40.295. Repealed (Sec. 10 ch 46 SLA 1977)

Sec. 14.40.300. Creation and appointment of comptroller. The Board of Regents shall create the office of comptroller of the university, fix the salary and determine the duties of the office. The Board of Regents shall fill the office. The comptroller shall report directly to the Board of Regents. (Sec. 37-10-4(d) ACLA 1949; am Sec. 3 ch 46 SLA 1977)

Sec. 14.40.310. Fiscal year. The fiscal year of the University of Alaska begins on July 1 and closes at midnight on the following June 30. (Sec. 37-10-4(e) ACLA 1949; am Sec. 3 art VI ch 82 SLA 1955)

Sec. 14.40.320. Repealed (Sec. 10 ch 46 SLA 1977)

Sec. 14.40.330. Inventory of property. The Board of Regents shall maintain or cause to be maintained a perpetual inventory of all permanent property of the university. (Sec. 37-10-4(g) ACLA 1949; repealed and reenacted Sec. 2 ch 38 SLA 1968)

Sec. 14.40.340. Applicability of bid practices to University of Alaska. The competitive bid practices set forth in AS 37.05.230 apply to the University of Alaska, except that the provisions of that act do not apply in those cases where the work is to be performed substantially by students enrolled in the university. Where the term "purchasing agent" is used in AS 37.05, it means the comptroller of the university. (Sec. 1 ch 86 SLA 1957)

Sec. 14.40.350. Board of Regents authorized to lease lands. The Board of Regents may execute leases for mining, agriculture, or other purposes to the lands granted for the benefit of an agricultural college and school of mines for Alaska by the Act of Congress approved March 4, 1915, for such time and at such rent or royalty as may seem just and as provided by law. (Sec. 37-10-11 ACLA 1949)

Sec. 14.40.360. Board of Regents authorized to select and to sell or lease lands granted by Act of Congress. The Board of Regents may select the lands granted to Alaska by the Act of Congress approved January 21, 1929, and may sell or lease them and deposit the proceeds in the state treasury in conformity with that Act. (Sec. 37-10-13 ACLA 1949)

Sec. 14.40.370. Repealed (Sec. 10 ch 46 SLA 1977)

Sec. 14.40.380. Assent of legislature to federal land and money grants. The state assents to the provisions and accepts the benefits of the Act of Congress approved March 4, 1915, and the Acts of Congress approved August 30, 1890, and March 4, 1906, in behalf of the University of Alaska, and the commissioner of revenue is designated as the officer to whom the money shall be paid. (Sec. 37-10-10 ACLA 1949)

Sec. 14.40.390. Federal land grants to Agricultural College and School of Mines reaccepted for university. The state assents to the provisions and accepts the benefits of the grants of land authorized by the Act of Congress of January 21, 1929, 45 Stat. 1091-1093, as amended by the Act of Congress of September 19, 1966, 80 Stat. 811, for the Agricultural College and School of Mines as integral parts of the University of Alaska, and the University of Alaska is designated the beneficiary under that Act. (Sec. 37-10-12 ACLA 1949; am Sec. 1 ch 68 SLA 1967)

Sec. 14.40.400. Fund for money from sale or lease of lands granted by Act of Congress. (a) The Department of Revenue shall establish a separate fund in which all money derived from the sale or lease of lands granted under the Act of Congress approved January 21, 1929, shall be held in trust.

(b) The trust fund shall be invested in interest-bearing securities as approved by the governor.

(c) The income from the trust fund shall be used exclusively for the Agricultural College and School of Mines.

(d) No part of the proceeds arising from the sale or disposal of lands under this grant may be used for the support of a sectarian or denominational college or school.

(e) The Department of Administration shall disburse the income from the trust fund upon vouchers approved by the president and treasurer of the university specifying the purpose for which the money is to be used and showing it is to be used in conformity with this section. (Sec. 37-10-14 ACLA 1949; am Sec. 2 ch 68 SLA 1967)

Sec. 14.40.410. Federal grants of money to establish agricultural experiment stations. The state assents to the provisions and accepts the benefits of the Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto" approved March 2, 1887, as amended and supplemented and known as the Hatch Act, and extended to Alaska by an Act of Congress entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska," approved February 23, 1929, in behalf of the University of Alaska, except that no substations may be established by the Board of Regents except by direct authority of the legislature. The commissioner of revenue is designated as the officer to whom the money shall be paid. (Sec. 37-10-15 ACLA 1949)

Sec. 14.40.420. University designated as beneficiary under Hatch Act and empowered to establish Agricultural Experiment Station. The University of Alaska is designated as the beneficiary under the provisions of the Hatch Act and may establish a department to be known as the Agricultural Experiment Station. (Sec. 37-10-16 ACLA 1949)

Sec. 14.40.430. Acceptance of federal appropriation for agricultural extension work. The state assents to the provisions and accepts the benefits of the Act of Congress entitled "An Act to provide for cooperative extension work between agricultural colleges in the United States receiving the benefits of an Act of Congress approved July 2, 1862, and of Acts supplementary thereto and the United States Department of Agriculture" approved May 8, 1914, as amended and supplemented and known as the Smith-Lever Act and extended to Alaska by an Act of Congress entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska" approved February 23, 1929, in behalf of the University of Alaska. The commissioner of revenue is designated as the officer to whom the appropriations shall be paid. (Sec. 37-10-17 ACLA 1949)

Sec. 14.40.440. University designated beneficiary of Smith-Lever Act and empowered to carry on agricultural extension work. The University of Alaska is designated as the beneficiary under the provisions of the Smith-Lever Act, and may administer and carry on agricultural extension work in the state in cooperation with the United States Department of Agriculture. (Sec. 37-10-18 ACLA 1949)

Sec. 14.40.450. Governor authorized to make certificates to obtain federal grants of money. The governor is authorized to make all certificates required by law or the regulations of the Department of Agriculture or of the Department of the Interior necessary to be made to entitle the state to grants of money for the benefits of state colleges of agriculture and mechanic arts authorized under any Act of Congress. (Sec. 37-10-21 ACLA 1949)

Article 4. Scholarships for High School Graduates.

Section
460. Students entitled to scholarship
470. Alternate upon refusal or failure to accept
480. Applications for and issuance and report of certificates

Section
490. Forfeiture of scholarship benefits
500. Payment of scholarships

Sec. 14.40.460. Students entitled to scholarship. The high school student in each graduating class in each high school in the state who, upon the completion of four years of high school work in a high school in the state, obtains the highest average standing for all the credits earned, and who is graduated at an annual commencement is entitled to receive, during dormitory residence at the University of Alaska, a scholarship covering dormitory rent for a period of two years following the year of graduation upon presenting to the registrar of the university a certificate signed by the superintendent or principal of the high school from which he graduated stating that the graduate named is entitled to receive the benefits of the scholarship. Dormitory residence is governed by the rules and regulations established by the Board of Regents. (Sec. 37-10-41 ACLA 1949)

Sec. 14.40.470. Alternate upon refusal or failure to accept. If a person entitled to receive the benefit of Sec. 460 of this chapter declines or fails to accept it, the graduate next in line in class standing is entitled to receive the benefit. (Sec. 37-10-42 ACLA 1949)

Sec. 14.40.480. Applications for and issuance and report of certificates. A certificate shall be applied for and issued to a graduate before August 2 of each year and shall be reported immediately to the registrar of the university by the superintendent or principal issuing it. (Sec. 37-10-43 ACLA 1949)

Sec. 14.40.490. Forfeiture of scholarship benefits. Failure to do passing work in more than one subject during a semester, or withdrawal or expulsion from the university, constitutes a forfeiture during the following semester or semesters of the benefits of Sec. 460 and 470 of this chapter. (Sec. 37-10-44 ACLA 1949)

Sec. 14.40.500. Payment of scholarships. Payment of the scholarships shall be made monthly to the university upon vouchers drawn upon the Department of Administration and duly certified by the treasurer and the president of the Board of Regents. No payments may be made in excess of amounts specifically appropriated for this purpose. (Sec. 37-10-45 ACLA 1949; am Sec. 23 ch 127 SLA 1974)

Article 5. Scholarships for Natives.

Section
510. Purpose of sec. 510—550 of this chapter
520. Scholarships
530. Continuation of scholarships

Section
540. Scholarships in addition to other scholarships
550. Definition of Native

Sec. 14.40.510. Purpose of sections 510—550 of this chapter. Because of the language difficulty and economic conditions of the Native peoples of the state, and the necessity for integrating the Native cultures with the state economy, it is the purpose of the legislature to provide assistance to Natives who wish to pursue a higher education beyond the attainments possible in the free public schools system. (Sec. 1 ch 140 SLA 1955)

Sec. 14.40.520. Scholarships. The Board of Regents of the University of Alaska shall offer not more than 15 new scholarships for each academic year to Alaska Natives desiring to attend the University of Alaska. The board shall give preference to Natives residing in the rural areas of the state who desire to receive training in the field of education. If there are more than 15 applications the board shall award 15 scholarships to those applicants who have the highest scholastic record or who the board determines are the most qualified among the applicants and who are financially unable to obtain a higher education without assistance. The University shall provide such minimum financial assistance to these students as is necessary in each individual case, but not exceeding fees, board and room. (Sec. 3 ch 140 SLA 1955; am Sec. 1 ch 6 SLA 1960)

Sec. 14.40.530. Continuation of scholarships. The award of free room and board shall be made from any funds available to the university. Each Native who receives a scholarship under sec. 510—550 of this chapter is entitled to retain the scholarship and to receive free room and board during his attendance at the university as long as he maintains a grade average equivalent to a "C" or better. However, no Native is entitled to the scholarship for more than four years, or for more than the number of years necessary to receive a bachelor's degree. (Sec. 4 ch 140 SLA 1955)

Sec. 14.40.540. Scholarships in addition to other scholarships. The scholarships are supplemental and in addition to any other scholarship to which an applicant is entitled or may receive. (Sec. 5 ch 140 SLA 1955)

Sec. 14.40.550. Definition of Native. For the purposes of section 510—550 of this chapter, "Native" means any person between the ages of 17 and 25 who is a descendant of a member of the aboriginal races inhabiting the state when annexed to the United States, or who is a descendant of an Indian or Eskimo who, since the year 1867 and prior to June 30, 1952, migrated into the state from Canada, and who is a descendant having at least one-quarter blood derived from these ancestors. (Sec. 2 ch 140 SLA 1955)

Article 6. Community College Act.

Section
560. Authority to cooperate
570. Authority of board
580. Use of joint facilities
590. Director
600. Rules and regulations

Section
610. Disposition of income
620. Savings clause
630. Definitions
640. Short title

Sec. 14.40.560. Authority to cooperate. A qualified school district or political subdivision may make an agreement with the University of Alaska for the establishment, operation, and maintenance of a community college. A qualified school district or qualified political subdivision shall pay all instructional and administrative costs for nondegree college programs and activities offered. (Sec. 3 ch 75 SLA 1962)

Sec. 14.40.570. Authority of board. (a) Since academic education beyond the high school level is a statewide responsibility, the board, in its discretion and as the need arises, may cooperate with the federal government and qualified school districts and political subdivisions in the establishment of appropriate higher educational programs and activities. The board is responsible for the selection of all community college instructors, part and full-time, for the academic degree programs and activities, and shall pay all instructional and administrative costs, including cost of special equipment and instructional materials, for academic degree programs and activities offered.

(b) Selected upper division and graduate level courses of instruction offered by the University through its off-campus instructional program to meet local needs, may be coordinated through the office of the director of a community college. (Sec. 4 ch 75 SLA 1962)

Sec. 14.40.580. Use of joint facilities. (a) If facilities used by the community college are owned by the school district or political subdivision, the board, subject to availability of appropriated funds, may reimburse the school district for all expenses directly related to facilities for academic degree programs and activities. The school district or political subdivision shall bear all expenses directly related to nondegree programs and activities.

(b) If separate facilities are financed, constructed, or maintained from federal, state, or private funds for either academic degree or nonacademic degree programs and activities of the community college, then the board has title to and control of the separate facilities used for these purposes. If separate facilities are financed, constructed, or maintained from school district or political subdivision funds for either degree or nondegree programs and activities, the school district or political subdivision has title to and control of the separate facilities used for these purposes. (Sec. 5 ch 75 SLA 1962)

Sec. 14.40.590. Director. The administrative head of a community college established by the University of Alaska in cooperation with school districts or political subdivisions is a director. The director shall be selected by the board, subject to approval by the governing body of the school district or political subdivision. (Sec. 6 ch 75 SLA 1962)

Sec. 14.40.600. Rules and regulations. A community college established by the University in cooperation with school districts or political subdivisions shall be established, maintained, and operated under rules and regulations adopted by the board. The selection and academic qualifications for personnel and the curriculum of a community college, insofar as it pertains to academic degree programs and activities, is the responsibility of the board. The selection and qualifications of personnel for nondegree programs and activities of the community college are the responsibility of the governing body of the school district or political subdivision. (Sec. 7 ch 75 SLA 1962)

Sec. 14.40.610. Disposition of income. (a) All money including tuition and fees received before or after April 10, 1962, from the operations of a community college established, operated, and maintained under sec. 560—640 of this chapter and directly related or attributable to academic degree programs and activities, shall be placed in the community college fund of the University of Alaska.

(b) All money, including tuition and fees received before or after April 10, 1962, from the operations of a community college established, operated and maintained under sec. 560—640 of this chapter and directly related or attributable to nondegree programs and activities of the community college, shall be placed in the appropriate fund of the qualified school district or political subdivision cooperating with the University in the establishment of the community college. (Sec. 8 ch 75 SLA 1962)

Sec. 14.40.620. Savings clause. An agreement between the University of Alaska and a community college in effect on April 10, 1962, shall remain in effect until its agreed expiration unless, before the agreed expiration, it is mutually cancelled or modified by the contracting parties. (Sec. 10 ch 75 SLA 1962)

Sec. 14.40.630. Definitions. In sec. 560—640 of this chapter, unless the context otherwise requires,

(1) "community college" means a program of education established by the University of Alaska in cooperation with qualified school districts or qualified political subdivisions of the state, including both academic degree and nondegree programs;

(2) "qualified school district" or "qualified political subdivision" means a school district or political subdivision organized under the laws of the state, or a group of two or more contiguous school districts or political subdivisions of the state, or a combination of each, which combination, considered as a unit, meets the following minimum requirements for the establishment of a community college:

(A) makes application to the Board of Regents of the University of Alaska for participation in the community college program;

(B) satisfies educational standards of the University of Alaska according to criteria established by the Board of Regents;

(C) has had an average daily membership during the previous school year of at least 75 high school students, grades 9-12;

(D) has established to the satisfaction of the Board of Regents the practical need for a community college within the district or political subdivision; and

(E) makes arrangements for defraying its proper share of the costs of the operation and maintenance of a community college, as provided by the terms of sec. 560—640 of this chapter;

(3) "board of regents" or "board" means the Board of Regents of the University of Alaska. (Sec. 2 ch 75 SLA 1962)

Sec. 14.40.640. Short title. Sections 560—640 of this chapter may be cited as the Community College Act. (Sec. 1 ch 75 SLA 1962)

Article 7. Western Regional Higher Education Compact.

Section
660. Ratification, approval, and adherence
670. Terms and provisions of Compact
680. Execution of Compact by governor

Section
685. Provisions of services
690. Members of the commission
695. Administration

Sec. 14.40.660. Ratification, approval, and adherence. The Western Regional Higher Education Compact, recommended by the Western Governors' Conference on November 10, 1950, for adoption by the states or territories of Alaska, Arizona, California, Colorado, Idaho, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, is ratified and approved and the adherence of this state to this Compact, upon its ratification and approval by four or more of these states or territories in addition to this state, is declared. (Sec. 1 ch 164 SLA 1955)

Sec. 14.40.670. Terms and provisions of Compact. The terms and provisions of the Compact referred to in sec. 660 of this chapter are as follows:

WESTERN REGIONAL HIGHER EDUCATION COMPACT

ARTICLE I

Whereas, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Whereas, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof;

Now, therefore, the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the Territories of Alaska and Hawaii do hereby covenant and agree as follows: –

ARTICLE II

Each of the compacting states and territories pledge to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this Compact.

ARTICLE III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

ARTICLE IV

The Commission shall consist of three resident members from each compacting state or territory. At all times one Commissioner from each compacting state or territory shall be an educator engaged in the feld of higher education in the state or territory from which he is appointed.

The Commissioners from each state and territory shall be appointed by the Governor thereof as provided by law in such state or territory. Any Commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each Commissioner shall be four years; provided, however, that the first three Commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each Commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the Governor shall appoint a Commissioner to fill the office for the remainder of the unexpired term.

ARTICLE V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more Commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

ARTICLE VI

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The Commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

ARTICLE VII

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the Commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the Governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

On or before the fifteenth day of January of each year, the Commission shall submit to the Governors and Legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the Governor of any compacting state or territory or his designated representatives. The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

ARTICLE VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements —

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

For this purpose the Commission may enter into contractual agreements —

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting such needs, and the long-range effects of the Compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the Governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

ARTICLE IX

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

ARTICLE X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1955. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

ARTICLE XI

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and Governor of such terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the Governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this Compact, all rights, privileges and benefits conferred by this Compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the Commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this Compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission.

ARTICLE XIII

(a) The Western Interstate Commission for Higher Education is authorized to act on behalf of this state in making arrangements for the placement of students in institutions and programs of higher learning outside the states which are parties to the Compact for establishing the Commission. For that purpose, the Commission may negotiate and enter into arrangements and contracts with this state or any appropriate agency thereof, with public and private educational institutions and agencies, and with states and other governemental entities. Such arrangements and contracts may provide for the obtaining of one or more places for students on either a special or continuing basis; the payment of partial or full tuition and other charges; and the furnishing of reciprocal, compensating or other advantages and benefits in support of the educational program involved.

(b) The authority conferred by (a) of this article shall be exercised only pursuant to written agreement between the Commission and an agency of this state having responsibility for or duties with respect to programs for assisting residents of this state to obtain higher education. Any such agreements shall include provisions for the payment of tuition and any other costs, and no such agreement shall be made which commits this state or any agency or officer of it to any obligation for which funds have not been appropriated or otherwise made available in accordance with law. (am Sec. 7 ch 71 SLA 1972)

(c) Nothing contained in this article shall be construed to alter any of the obligations or restrict or impair any rights which this state may have under the Compact establishing the Commission. (Sec. 2 ch 164 SLA 1955; am Sec. 1 ch 70 SLA 1971)

Sec. 14.40.680. Execution of Compact by governor. Upon ratification and approval of the Western Regional Higher Education Compact by four or more of the specified states or territories in addition to this state, the governor shall execute the Compact on behalf of the state and perform other acts requsite to its formal ratification and promulgation. (Sec. 3 ch 164 SLA 1955)

Sec. 14.40.685. Provisions of services. State participation under Articles VIII and XIII of the Western Regional Higher Education Compact shall be limited to the provision of adequate services and facilities in the fields of law, dentistry (to include dental hygiene), medicine, osteopathy, public health, veterinary medicine, pharmacy, physical therapy, occupational therapy, optometry, podiatry, forestry, architecture, graduate nursing, petroleum engineering and graduate library studies. (Sec. 2 ch 70 SLA 1971; am Sec. 1 ch 96 SLA 1972; am Sec. 1 ch 78 SLA 1974; am Sec. 1 ch 85 SLA 1977)

Sec. 14.40.690. Members of the commission. (a) The governor, with the advice and consent of the legislature, shall appoint the members for this state of the Western Interstate Commission for Higher Education, created under the provisions of article III of the Western Regional Higher Education Compact.

(b) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of article IV of the Compact.

(c) The commissioners shall serve without compensation and shall be reimbursed for actual and necessary expenses by the Western Interstate Commission for Higher Education. (Sec. 4 ch 164 SLA 1955)

Sec. 14.40.695. Administration. The Alaska Commission on Postsecondary education shall administer the state's participation in the Western Regional Higher Education Compact. (am Sec. 2 ch 78 SLA 1974)

Article 8. Compact for Education
(Education Commission of the States)

(Repealed Sec. 7 ch 24 SLA 1979; reenacted Sec. 1 ch 168 SLA 1980)

Section
700. Entry into compact
710. Terms and provisions of compact

Section
720. Members of the commission

Sec. 14.40.700. Entry into compact. The Compact for Education is enacted into law and entered into in behalf of the state of Alaska with all other states and jurisdictions legally joining in it in a form substantially as contained in AS 14.40.710.

Sec. 14.40.710. Terms and provisions of compact. The terms and provisions of the compact referred to in AS 14.40.700 are as follows:

COMPACT FOR EDUCATION.

Article I. Purpose and Policy

SECTION A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

SECTION B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

SECTION C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II. THE COMMISSION

SECTION A. The Education Commission of the States, hereinafter called "the Commission," is hereby established. The Commission shall consist of seven members representing each party State. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education and lay and professional public and nonpublic educational leadership. In addition to the members of the Commission representing the party States, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

SECTION B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article III and adoption of the annual report pursuant to Article II (j).

SECTION C. The Commission shall have a seal.

SECTION D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

SECTION E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

SECTION F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

SECTION G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

SECTION H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

SECTION I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

SECTION J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE III. POWERS.

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop methods for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE IV. COOPERATION WITH FEDERAL GOVERMENT.

SECTION A. If the laws of the United States specifically so provide, or if administrative provision is made therefore within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

SECTION B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE V. COMMITTEES.

SECTION A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall have a steering committee of thirty-two members which, subject to the provisions of this Compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the membership of the steering committee shall consist of Governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

SECTION B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

SECTION C. The Commission may establish such additional committees as its bylaws may provide.

ARTICLE VI. FINANCE.

SECTION A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

SECTION B. The total amount of appropriation requests under any budget shall be apportioned among the party States as follows: one-third in equal shares; and the remainder in proportion to the population of each party State as shown in the most recent decennial census of population taken by the United States Bureau of the Census, or any agency successor thereto.

SECTION C. The Commission shall not pledge the credit of any party State. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article II (g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article II (g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

SECTION D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

SECTION E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

SECTION F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.

SECTION A. This Compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term "Governor," as used in this Compact, shall mean the closest equivalent official of such jurisdiction.

SECTION B. Any State or other eligible jurisdiction may enter into this Compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

SECTION C. Any party State or jurisdiction may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State or other jurisdiction has given notice in writing of the withdrawal to the Governors of all other party States and jurisdictions. No withdrawal shall affect any liability already incurred by or chargeable to a party State or jurisdiction prior to the time of such withdrawal.

ARTICLE VIII. CONSTRUCTION AND SEVERABILITY.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any State or of the United States, or the applicability thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any State participating therein, the Compact shall remain in full force and effect as to the State affected as to all severable matters.

ARTICLE IX. STATE DEFINED.

As used in this Compact, "State" means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (Sec 1 ch 108 SLA 1966; am Secs 1 — 4 ch 30 SLA 1967)

Sec. 14.40.720. Members of the commission. (a) One of the commission members shall be the governor; one shall be the state commissioner of education; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; one shall be the president of the State Board of Education; and two shall be appointed at large by and serve at the pleasure of the governor.

(b) The terms of office of the at-large members shall be four years; provided, however, that the first members shall be appointed as follows: one for two years, and one for four years. Each member shall hold office until his successor is appointed and qualified.

(c) The legislative and at-large members of the commission shall not receive compensation for their services, but they shall receive the travel expenses and per diem provided by AS 39.20.180(2). (Sec. 1 ch 108 SLA 1966)

Article 9. Scholarship Loans and Tuition Grants.

Section
751. Loan and tuition funds created
753. Financial aid committee
755. Applications
757. Administration of program
759. Undergraduate loans
761. Graduate loans
763. Conditions of loans
765. Eligibility of students
767. Selection criteria
769. Discrimination prohibited

Section
771. Enforceability of certain contracts with minors
773. Repealed
776. Tuition grants
781. Limitation on grants
786. Conditions of grants
791. Eligibility of students
796. Application and certification
801. Fiscal and business management practices
806. Definitions

Sec. 14.40.751. Loan and tuition funds created. (a) There is created a scholarship revolving loan fund. The fund shall be used to make scholarship loans to students selected under Secs. 751—806 of this chapter. All repayments of principal and interest on scholarship loans shall be paid into the scholarship revolving loan fund and shall be used to make new scholarship loans. If estimated funds available from scholarship loan repayments are inadequate to fully fund estimated scholarship loans for any fiscal year, additional funding from the general fund may be requested and appropriated for that year.

(b) There is created a tuition grant fund as an account in the general fund. The funds shall be used to make tuition grants to students selected under Secs. 751—806 of this chapter.

(c) On March 1 of each fiscal year, if there is a balance of appropriated but unobligated funds in the tuition grant fund created under (b) of this section, that sum shall be automatically transferred to the scholarship revolving loan fund created under (a) of this section to make additional scholarship loans during that fiscal year.

(Sec. 1 ch 98 SLA 1971; am Sec. 1 ch 156 SLA 1972; am Secs. 1,2 ch 136 SLA 1974; am Sec. 1 ch 136 SLA 1975, retroactive to February 1, 1975)

Sec. 14.40.753. Financial aid committee. (a) The student financial aid committee is composed of the members of the Alaska Commission on Postsecondary Education. The commission may delegate its functions under Secs. 751—806 of this chapter to a committee of its members, with augmented membership as the commission considers appropriate. The executive officer of the commission is the executive secretary of the committee. The Alaska Commission on Postsecondary Education shall administer the program established by Secs. 751—806 of this chapter.

(b) Members of the committee serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions.

(c) The selection committee shall make an annual report reviewing the work of the committee to the governor, the legislature and the private colleges and universities where students receiving tuition grants are enrolled.

(d) The committee shall meet at least once a year. The meetings shall be held at the call of the chairman or upon petition by two members. (Sec. 1 ch 98 SLA 1971; am Sec. 2 ch 156 SLA 1972; am Sec. 5 ch 78 SLA 1974; am Sec. 3 ch 136 SLA 1974)

Sec. 14.40.755. Applications. (a) Applications shall be submitted to the executive secretary of the committee.

(b) A person whose loan or grant application is not recommended or presented to the committee by the executive secretary may appeal to the committee through the chairman of the committee and the committee shall consider the application. (Sec. 1 ch 98 SLA 1971; am Sec. 3 ch 156 SLA 1972; am Sec. 4 ch 136 SLA 1974)

Sec. 147.40.757. Administration of program. The executive secretary shall administer the programs subject to review by the committee and in accordance with the regulations prescribed by the committee. The promulgation of these regulations is subject to the Administrative Procedure Act (AS 44.62), and a summary of the regulations shall be distributed to each applicant. (Sec. 1 ch 98 SLA 1971; am Sec. 5 ch 136 SLA 1974)

Sec. 14.40.759. Undergraduate loans. The committee may make a loan, not to exceed $3,000 in any one school year, to an undergraduate student eligible under sec. 765 of this chapter. (am Sec. 1 ch 153 SLA 1978)

Sec. 14.40.761. Graduate loans. The committee may make a loan, not to exceed $5,000 in any one school year, to a graduate student who is eligible under Sec. 765 of this chapter and is pursuing an advanced degree. (Sec. 1 ch 98 SLA 1971; am Sec. 7 ch 136 SLA 1974)

Sec. 14.40.763. Conditions of loans. (a) Proceeds from scholarship loans may only be used for books, tuition and required fees, and for room and board.

(b) The loans may only be used to attend a career education program or a college or university approved by the commission, and, if the loans are federally insured, by the United States Commissioner of Education. (Sec. 1 ch 99 SLA 1977; am Sec. 3 ch 87 SLA 1979)

(c) To maintain a loan the student must continue to be enrolled as a full-time student in good standing in a career education program, college or university designated under (b) of this section.

(d) Scholarship loans may not be made to a student for more than six years.

(e) Loans are interest bearing while a student is enrolled under (c) of this section or is receiving a deferment of payments under (k) of this section; however, a student shall be entitled to have a portion of the interest paid on his behalf and for his account in accordance with (1) of this section. (am Sec. 2 ch 99 SLA 1977; am Sec. 4 ch 87 SLA 1979)

(f) Interest on a loan given under Secs. 751—806 of this chapter is at the rate of five percent a year.

(g) The required repayment of the principal amount of the loan and any interest on the loan begins no earlier than nine months nor later than one year after the student terminates his studies. The loan shall provide for repayment of the total amount owed in periodic installments in not less than five nor more than 10 years from the commencement of repayment or more than 15 years from the date of execution of the original promissory note evidencing the disbursement of the loan, except as provided for in (k) and (m) of this section. Notwithstanding the provisions of this subsection, a student may at his option make payments earlier than this subsection requires. (am Sec. 5 ch 87 SLA 1979)

(h) Security may not be required for the loans; however, provision shall be made for payment of attorney fees and costs of court if either or both are incurred in collection of the amount owed on the loan.

(i) If a loan is in default, the commission may notify the student that repayment of the remaining balance is accelerated and due by sending the student a notice by registered or certified mail.

(j) A portion of a loan shall be paid on behalf of the borrower by the state if, upon completion of the course of study for which the loan was granted, the borrower spends at least three years employed in the state. The portion of the loan which shall be paid by the state shall be the following percentages of the total loan received plus interest for up to a total of 40 percent:

(1) two — three years residency, 10 percent;

(2) three — four years residency, an additional 10 percent;

(3) four — five years residency, an additional 10 percent;

(4) over five years residency, an additional 10 percent.

(Sec. 1 ch 98 SLA 1971; am Sec. 4 ch 156 SLA 1972; am Sec. 6 ch 78 SLA 1974; am Sec. 8 ch 136 SLA 1974; am Sec. 6 ch 87 SLA 1979)

(k) Periodic installments of principal shall be deferred, but interest shall accrue and be paid unless the student is eligible for interest payment benefits under (1) of this section during any of the following:

(1) return to student status as provided in (c) of this section;

(2) serving on active duty as a member of the armed forces of the United States;

(3) serving, for up to three years, as a full-time volunteer under the Peace Corps Act;

(4) serving, for up to three years, as a full-time volunteer under the Domestic Volunteer Service Act of 1973;

(5) for a one-time period up to 12 months in which the borrower is seeking and unable to find employment in the United States; or

(6) if the borrower becomes 50 percent or more disabled as certified by competent medical authority.

(am Sec. 4 ch 99 SLA 1977; repealed and reenacted Sec. 7 ch 87 SLA 1979)

(l) The state will pay the interest on that portion of a loan that is not federally insured during

(1) the period before the beginning of the repayment period of the loan; and

(2) deferments under (k) of this section.

(m) In case of hardship, the committee may extend repayment of a loan for an additional period of up to five years in increments no longer than six months each, within the 15-year requirement of (g) of this section.

(n) Each year spent attending a college or university in Alaska qualifies as a year of employment and residency under (j) of this section, if the borrower resides no less than three years in Alaska after completion of the course for which the loan was granted, and has a total Alaskan residency of 10 years time.

(am Sec. 8 ch 87 SLA 1979)

Sec. 14.40.765. Eligibility of students. A student may apply for a scholarship loan if

(1) he is a resident of Alaska, and if

(2) he is either

(a) enrolled as a full-time student in a career education or associate or baccalaureate or graduate degree program; or

(b) a graduate of a high school, or scheduled for graduation from a high school within six months, with sufficient credits to be admitted to a career education program or to an accredited college or university. (Sec. 1 ch 98 SLA 1971)

Sec. 14.40.767. Selection criteria. (a) The selection committee shall grant loans based on total point accumulations under this subsection with priority going to those applicants with the highest point accumulations, except as provided in (b) of this section for loan applications completed before May 15 of each year. Points shall be awarded to applicants based upon student status and continuous Alaskan residency, according to the following schedule:

(1) student status:

(A) continuing undergraduate and graduate students with existing Alaska scholarship loans . . . . 4 points

(B) continuing undergraduate and graduate students without existing Alaska scholarship loans . . . . 3 points

(C) freshmen . . . . 2 points

(D) new graduate students without existing Alaska scholarship loans . . . . . 1 point

(2) continuous Alaskan residency:

(A) students with continuous Alaskan residency of 10 years or more . . . . 3 points

(B) students with continuous Alaskan residency of at least 5 years and less than 10 years. . . . . 2 points

(C) students with continuous Alaskan residency of more than 2 years and less than 5 years. . . . . 1 point

(3) students attending Alaska colleges or universities . . . . 1 point.

(b) In awarding loans the selection committee shall award loans to applicants based upon the earliest date of completed applications if

(1) the applicant has accumulated at least 5 points under (a) of this section; and

(2) the applicant has filed a completed application not later than May 15 of the year for which the loan is requested.

(Sec. 1 ch 98 SLA 1971; repealed and reenacted Sec. 2 ch 87 SLA 1979)

Sec. 14.40.769. Discrimination prohibited. The student loan program shall be carried out without regard to the race, creed, sex, color, ancestry, national origin, or membership in fraternal or political organizations of the student applying for the loan. (Sec. 1 ch 98 SLA 1971)

Sec. 14.40.771. Enforceability of certain contracts with minors. A written obligation entered into by a minor at least 16 years of age, evidencing a loan or other assistance received by him from any person for the purpose of furthering his education in a career education program or an institution of higher learning, is enforceable against the minor with the same effect as if he were, at the time of its execution, 19 years of age, if the person making the loan has in his records before making the loan a certification from the institution that the minor is enrolled in the institution or has been accepted for enrollment. (Sec. 1 ch 98 SLA 1971)

Sec. 14.40.773. Repealed. (Sec. 6 ch 156 SLA 1972)

Sec. 14.40.776. Tuition grants. (a) The executive secretary of the committee shall award a tuition grant to a student in an amount up to the difference between (1) the cost, in a city where there is both a four-year state university and a four-year private university or in a city where there is both a two-year state community college and a two-year private college, for the operation of the state institution on a full-time student per academic year basis, and (2) the tuition or fees paid by the student at the state institution in those locations, but in no case may the amount exceed $2,500 plus a cost-of-living adjustment. Subject to the approval of the committee and to the availability of appropriated funds, the executive secretary may adjust the maximum grant based on a cost-of-living factor comparable to that employed in making adjustments to the state employee pay plan under AS 39.27.015. The tuition grant paid to a student may not be in an amount that would result in a student paying less in tuition or fees at a private college or university than would be required for a similar enrollment at the state institution in the same city. The grant shall be applied by the student toward his tuition at the private university or college in which he enrolls. (am Sec. 1 ch 246 SLA 1976)

(b) The computation of the cost for the operation of the state institution on a full-time student per academic year basis under (a) of this section may not include construction or capital improvement costs, debt service and expenditures for research and public service functions.

(c) The computation under (a) of this section shall be made by the executive secretary. He shall publish the accounting procedures employed in making the computation, including, but not limited to, the time period on which the computation is based and the cost figures used. This cost data shall be made available for information purposes to the officers or administrators of the state institution whose cost of operations is the basis for the computation and to the officers or administrators of the private colleges and universities in which students receiving tuition grants are enrolled. A committee consisting of a qualified member of the staff of the division of budget and management of the Department of Administration designated by the commissioner, a qualified member of the staff of the Legislative Budget and Audit Committee designated by the chairman of the committee, and one other specially qualified person in the field of accounting, business management or institutional finance appointed by the governor, shall review, and may hear an appeal from, the determination of the computation by the executive secretary. No officer, administrator or other member of the staff of a state institution whose cost of operations is under review or an officer, administrator, or other member of the staff of the private college or universities in which students receiving tuition grants are enrolled may be a member of that committee.

(Sec. 5 ch 156 SLA 1972; am Secs. 9, 10 ch 136 SLA 1974; am Sec. 2 ch 136 SLA 1975)

Sec. 14.40.781. Limitation on grants. (a) No grants may be made under sec. 776 of this chapter for any portion of tuition which would otherwise be paid under the terms of a federal grant program.

(b) The amount of the tuition grant under sec. 776 of this chapter that may be awarded to a student who is also the recipient of a federal grant for tuition is computed according to the formula G equals P minus S minus F, in which

(1) G = the grant awarded;

(2) P = the tuition and fees charged by the private college or university in which the student is enrolled;

(3) S = the fee or tuition paid by a student at the state institution in the same city where the private college or university is located;

(4) F = the amount of any federal grant awarded solely for tuition or fees the student may receive.

(am Sec. 2 ch 246 SLA 1976)

(c) Private universities and colleges in which students receiving tuition grants are enrolled may not use the income from these grants for instruction either sectarian in religion or partisan in politics. (Sec. 5 ch 156 SLA 1972; am Sec. 11 ch 136 SLA 1974; Sec. 3 ch 136 SLA 1975)

Sec. 14.40.786. Conditions of grants. (a) Proceeds from grants may be used only for tuition at a college or university in Alaska accredited by the Northwest Association of Secondary and Higher Schools. Before payment of the grant is made, the executive secretary shall obtain from each student to whom a grant has been awarded a statement certified under oath and on penalty of perjury that he will apply the grant toward his tuition at the private university or college in which he enrolls. (am Sec. 3 ch 246 SLA 1976)

(b), (c), (d), (f) and (g) Repealed. (Sec. 7 ch 246 SLA 1976)

(e) If a student is awarded, or holds, both a scholarship loan and a tuition grant under sections 751—806 of this chapter, no portion of the scholarship loan may be considered a grant under section 763 (j) of this chapter.

Sec. 14.40.791. Eligibility of students. A student may apply for a grant under section 776 of this chapter if

(1) he is a resident of Alaska, and

(2) he is either

(A) accepted for admission, or enrolled, as a full-time or part-time student in an associate, baccalaureate or graduate degree program; or

(B) enrolled as a full-time or part-time student in continuing education courses approved by the executive secretary.

(am Sec. 4 ch 246 SLA 1976)

Sec. 14.40.796. Application and certification. Application for tuition grants must be submitted to the executive secretary. The application deadline for a school year shall be determined by the executive secretary. The executive secretary may award grants only after the institution of higher education has certified that the student has enrolled in a full-time or part-time course of study in an associate, baccalaureate or graduate degree program or enrolled in continuing education courses. The executive secretary shall determine the appropriate formula for awarding tuition grants to part-time students. He shall be guided by the provisions of section 776 of this chapter in making that determination: the difference between (1) the cost of operation for the state institution per semester credit hour and (2) the fee paid by the student at the state institution per semester credit hour, but not to exceed an appropriate portion of $2,500 plus a cost-of-living adjustment. The tuition grant paid to a part-time student may not be in an amount that would result in a student paying less in tuition or fees at a private college or university than would be required for a similar enrollment at the state institution in the same city. (Sec. 5 ch 156 SLA 1972; am Sec. 15 ch 136 SLA 1974; Sec. 4 ch 136 SLA 1975; am Sec. 5 ch 246 SLA 1976)

(b) Tuition grants may be awarded to students who are enrolled in a full-time or part-time course of study that is conducted by a private college or university either off-campus or on the basis of the student's full-time or part-time participation in field-based programs. (am Sec. 6 ch 246 SLA 1976)

Sec. 14.40.801. Repealed. (Sec. 7 ch 246 SLA 1976)

Sec. 14.40.806. Definitions. In sections 751—806 of this chapter

(1) "career education" means a course or program in vocational-technical training or education approved by the commission; (am Sec. 5 ch 99 SLA 1977)

(2) "full-time student" means an undergraduate or career education student who is enrolled and is in regular attendance at classes for at least 12 semester hours of credit or the equivalent during the semester or a graduate student who is enrolled and is in regular attendance at classes for at least nine semester hours of credit or the equivalent; any combination of semester hours of credit, or the equivalent, aggregating to the requisite number of semester hours and undertaken during a semester at two or more public or private institutions of higher education operating under a consortium constitutes full-time student status; (am Sec. 6 ch 99 SLA 1977)

(3) "part-time student" means a student who is enrolled and is in regular attendance at classes for at least three but less than the semester hours of credit required for full-time student status under (2) of this section during the semester; (am Sec. 7 ch 99 SLA 1977)

(4) "resident" means a person domiciled in Alaska who has resided in Alaska for at least two years before an application for a grant or loan is made under sections 751—806 of this chapter;

(5) "school year" means the period from September 1 of one year through August 31 of the following year.

(6) "commission" means the Alaska Commission on Postsecondary Education.

(7) Repealed. (Sec. 7 ch 246 SLA 1976)

(8) "federally insured" means a loan covered by the provisions of the Guaranteed Student Loan Program of Title IV, Part B, of the Higher Education Act of 1965 (PL 89-329), as amended. (am Sec. 9 ch 87 SLA 1979)

Article 10. Memorial Scholarship Revolving Loan Fund

Section
810. Declaration of Purpose
815. Fund created
820. Limits on, conditions of loans
825. Repayment of loans

Section
830. Selection
835. Discrimination prohibited
840. Administering authority
845. Funding

Repeal of former article — Section 22, ch 136, SLA 1974, repealed former Article 10, entitled "Michael Murphy Scholarship Loan and Grant Fund." The former article consisted of sections 14.40.850—14.40.890, and derived from Section 1, chapter 33, SLA 1969.

Sec. 14.40.810. Declaration of purpose. (a) The legislature may pay tribute to the memory of Alaskans who, by the example of their lives, or by their distinguished contribution and service to this state, their community or their profession, exemplified the best that is the challenge of "The Great Land" by the creation of memorial scholarships as a part of a general memorial scholarship revolving loan fund, setting out the purpose for which each is created, and the conditions applicable to each scholarship.

(b) The purposes of the several memorial scholarship accounts in the memorial scholarship revolving loan fund are as follows:

(1) the Michael Murphy memorial scholarship perpetuates the memory of Michael Murphy, a member of the Alaska State Troopers, who, while on leave from that division, gave his life for his adopted country in Vietnam on May 22, 1968;

(2) the Carroll L. "Butch" Swartz memorial scholarship perpetuates the memory of Carroll L. "Butch" Swartz, of Juneau, who was a student intern with the Criminal Justice Planning Agency and the Governor's Commission on the Administration of Justice during the summer months of 1972 and 1973 and whose accidental and untimely death in November 1973, occurred while he was completing his undergraduate education at Yale University, thus never realizing his educational goals or career objective;

(3) the Harvey Golub memorial scholarship perpetuates the memory of Harvey Golub. of Juneau, who was chief engineer of the bridge design section of the Department of Highways of the state of Alaska and whose accidental and untimely death September 13, 1971, cut short a widely-respected career in civil engineering; and

(4) the Robert L. Thomas memorial scholarship perpetuates the memory of Robert L. Thomas, of Juneau, who as Deputy Commissioner of Education, and for 13 years as a member of the professional staff of that department contributed significantly to the creation, operation and administration of a sound system of public education in Alaska and whose tragic and untimely death March 12, 1974, terminated a distinguished career in education and public administration that long will be exemplary for those who aspire to service in that profession. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.815. Fund Created. (a) There is created a memorial scholarship revolving loan fund. The fund shall be used to provide educational scholarship loans to students selected under sections 810—845 of this chapter. All repayments of principal shall be paid into the memorial scholarship revolving loan fund and shall be used to make new scholarship loans.

(b) Each memorial scholarship, the purpose of which is set out in section 810(b) of this chapter, is a separate account in the memorial scholarship revolving loan fund created under (a) of this section. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.820. Limits on, conditions of loans. (a) A scholarship loan to a recipient under sections 810—845 of this chapter may not exceed $2,500 a school year for an undergraduate student or $5,000 a school year for a graduate student. Loans may not be made to a student for more than six years.

(b) A loan made under sections 810—845 of this chapter may be used only as follows:

(1) a Michael Murphy memorial scholarship loan may be used only to pursue a degree program in an accredited college or university in law enforcement, law, probation and parole, or penology, or closely related fields;

(2) a Carroll L. "Butch" Swartz memorial scholarship loan may be used only to pursue a degree program in an accredited college or university in criminal law, criminology, corrections, police science and administration, juvenile justice, or other fields closely related to criminal justice;

(3) a Harvey Golub memorial scholarship loan may be used only to pursue a degree program in an accredited college or university in civil, mechanical, electrical, electronic, petroleum, mining, traffic and transportation, sanitary, chemical or other recognized field of engineering; and

(4) a Robert L. Thomas memorial scholarship loan may be used only to pursue a degree program in an accredited college or university that will lead to a career in education or public administration, or other closely related field.

(c) The recipient shall be a resident of Alaska and either

(1) enrolled as a full-time undergraduate or graduate student leading to an Associate, Baccalaureate or Graduate degree program in a field listed in (b) of this section that is appropriate to the memorial scholarship loan received;

(2) a graduate of high school, or scheduled for graduation from a high school within six months, with sufficient academic credits to be admitted to a college or university intending to pursue a course of study leading to a degree in one of the fields listed in (b) of this section that is appropriate to the memorial scholarship loan received; or

(3) an officer or employee of a department, agency or municipality in the state who intends to pursue a course of study in his professional field leading to a degree in one of the fields listed in (b) of this section appropriate to the memorial scholarship loan received.

(d) The recipient must at all times continue to be enrolled as a full-time student in good standing at an accredited college or university.

(e) In any year in which the memorial scholarship revolving loan fund created under section 815 of this chapter has inadequate receipts to fund a loan in one of the scholarship categories listed in section 810(b) of this chapter, no loan in that scholarship category may be offered and the receipts shall be added to the amount available for that category in the succeeding year.

(f) The administering authority may provide conditions in the note signed by the recipient or in a separate document or communication that will help it carry out the provisions of sections 810—845 of this chapter. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.825. Repayment of loans. (a) Memorial scholarship loans shall be noninterest-bearing and security for the loan may not be required. However, the note signed by the recipient shall provide for the payment of attorney fees, costs of court and skip-tracing fees if any are incurred in collection of the unpaid amount owed on the loan.

(b) No part of a loan made under sections 810—845 of this chapter need be repaid during an academic year in which the student is attending an accredited college or university as a full-time student.

(c) Loans may be repaid at an accelerated rate at the option of the recipient.

(d) If a loan is in default, the administering authority shall notify the recipient that repayment of the remaining balance is accelerated and due by sending the recipient a notice by registered or certified mail.

(e) A recipient of a memorial scholarship loan under sections 810—845 of this chapter who graduates from a degree program shall receive forgiveness of one-fifth of loan indebtedness for each one-year period he is employed full time in Alaska in

(1) law-enforcement or related fields, if he is a recipient of a Michael Murphy memorial scholarship loan;

(2) criminal law, criminal justice or other closely related fields, if he is a recipient of a Carroll L. "Butch" Swartz memorial scholarship loan;

(3) a recognized branch of the engineering profession or other closely related fields, if he is a recipient of a Harvey Golub memorial scholarship loan; or

(4) education or public administration, or other closely related field, if he is a recipient of a Robert L. Thomas memorial scholarship loan.

(f) That portion of the loan that is forgiven under (e) of this section shall be considered a grant to the recipient.

(g) A recipient who does not qualify for forgiveness of all or a part of the loan made to him under sections 810—845 of this chapter shall begin repayment of the unforgiven portion within six months after leaving employment, or terminating his studies, in

(1) law enforcement or related fields, if he is a recipient of a Michael Murphy memorial scholarship loan;

(2) criminal law, criminal justice or other closely related fields, if he is a recipient of a Carroll L. "Butch" Swartz memorial scholarship loan;

(3) a recognized branch of the engineering profession or other closely related fields, if he is a recipient of a Harvey Golub memorial scholarship loan; or

(4) education or public administration, or other closely related field, if he is a recipient of a Robert L. Thomas memorial scholarship loan.

(h) The unforgiven portion of a loan under (g) of this section shall be repaid in an amount, and at a monthly rate, to be determined by the administering authority after consultation with the recipient, but in any event not less than $50 a month. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.830. Selection. (a) In selecting from among eligible applicants a person who will be granted a loan under sections 810—845 of this chapter, the administering authority shall consider the following:

(1) the applicant's career goals and aspirations;

(2) the applicant's prior academic record;

(3) the financial need of the applicant; and

(4) other items that may be considered relevant by the administering authority to determine whether an applicant will receive a loan.

(b) To assist the administering authority in selecting eligible applicants for award of each of the memorial scholarship loans under sections 810—845 of this chapter and in reviewing the memorial scholarship loan program, the following advisory committees are established:

(1) three Alaska state troopers, each one to be selected from and to represent a state trooper region of the state by the regional commander to serve for three years, for the Michael Murphy memorial scholarship;

(2) three members of the Governor's Commission on the Administration of Justice selected annually by the commission from among its membership, for the Carroll L. "Butch" Swartz memorial scholarship;

(3) three members of the state Board of Registration for Architects, Engineers and Land Surveyors selected annually by the board from among its engineer members, for the Harvey Golub memorial scholarship; and

(4) three members of the state Board of Education, or of the staff of the Department of Education, or any combination of these, selected annually by the board, for the Robert L. Thomas memorial scholarship. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.835. Discrimination prohibited. The memorial scholarship loan program shall be carried out without regard to the race, creed, sex, color, ancestry, national origin, or membership in fraternal or political organizations of the applicant. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.840. Administering authority. (a) The memorial scholarship loans provided for under sections 810—845 of this chapter shall be administered by the executive secretary of the student financial aid committee under sections 753 and 757 of this chapter, subject to review by the committee and those regulations the committee may prescribe to carry out the purposes of sections 810—845 of this chapter.

(b) To the extent that they are not in conflict with the provisions of sections 810—845 of this chapter, the provisions of sections 751—806 of this chapter relating to scholarship loans are applicable to loans made under sections 810—845 of this chapter. (Sec. 21 ch 136 SLA 1974)

Sec. 14.40.845. Funding. (a) The memorial scholarship revolving loan fund created under section 815 of this chapter shall be funded by voluntary contributions by state employees who may contribute the value of one or more days of annual leave a year to the memorial scholarship revolving loan fund to be credited to any one or more of the scholarship accounts listed in sections 810(b) of this chapter at the discretion of the donor.

(b) The Department of Administration shall pay to the account of the memorial scholarship revolving loan fund established under sections 815 of this chapter an amount equal to the value of the total number of days of annual leave contributed by state employees under (a) of this section.

(c) The administering authority may accept contributions from private sources for the memorial scholarship revolving loan fund created under section 815 of this chapter. These contributions shall be deposited in the memorial scholarship revolving loan fund created under section 815 of this chapter to be credited to any one or more of the scholarship accounts listed in section 810(b) of this chapter at the discretion of the donor. For the purpose of this subsection, "private sources" means private individuals, corporations, foundations or other philanthropic or charitable organizations. (Sec. 21 ch 136 SLA 1974)

Article 11. State Agreements with Private Institutions of Higher Education and Sections 14.40.900—14.40.910. Repealed. (Sec. 2 ch 98 SLA 1971, effective July 1, 1972)

Article 11. Alaska Commission on Postsecondary Education

Section
901. Purpose, intent
903. Creation, composition, appointment of members
905. Officers
907. Meetings, rules, votes required
909. Functions of the commission

Section
911. Collection of data
913. Executive officer and staff; administration
915. Compensation and per diem
917. Legal counsel
919. Consortia

Sec. 14.40.901. Purpose, intent. (a) The legislature finds and declares that it has become essential for Alaska to provide for a more efficient use of financial resources, both federal and state, in providing postsecondary educational services to its citizens. Thus, the state should create a more closely articulated system of planning for postsecondary education, with special reference to occupational education and the unique contribution made by the community colleges. The objective of sections 901—915 of this chapter is the coordinated, comprehensive planning for postsecondary education in Alaska, encompassing public, private and proprietary postsecondary education institutions and agencies in the state, in order to lessen the disparate planning efforts of the several state agencies and others now planning one or more elements of postsecondary education. At the same time, the Education Amendments of 1972 (PL 92-318) afford the state the opportunity to draw together programs widely scattered outside the statewide university system but which are related to postsecondary, and especially higher, education that would be more effectively administered by a more visible single agency and thus more clearly and directly accountable to the legislature and to the people of Alaska.

(b) The legislature affirms that the legal authority for the operation and management of the statewide university system remains with the Board of Regents of the University of Alaska and the legal authority for the operation and management of other postsecondary educational programs remains with the governing boards of the other private nonprofit and proprietary institutions in the state. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.903. Creation, composition, appointment of members. (a) There is in the Department of Education the Alaska Commission on Postsecondary Education consisting of

(1) two members of the Board of Regents of the University of Alaska designated by the members of that body;

(2) one person representing private higher education in the state selected jointly by the Boards of Trustees of Alaska Methodist University and Sheldon Jackson College from among their membership;

(3) one person representing the Department of Education selected by the state Board of Education;

(4) five persons broadly and equitably representative of the general public appointed by the governor;

(5) one member of the state Advisory Council on Vocational Education designated by the members of that body;

(6) One person from among the members of the local community college advisory councils appointed, initially, by the governor until the state Advisory Council on Community Colleges is established and organized under section 909(b) of this chapter; then, one member of the state Advisory Council on Community Colleges designated by the members of that body;

(7) two members from the legislature, one of whom shall be designated by the Legislative Council and one by the Legislative Budget and Audit Committee.

(b) No governing body member, trustee, official or employee of either a public, private or proprietary institution of postsecondary or higher education in the state may be appointed to membership on the commission as representative of the general public for the purpose of (a) (4) of this section.

(c) The governor's appointees are subject to confirmation by the legislature and shall serve at the pleasure of the governor for four-year staggered terms. Members appointed or designated by bodies or agencies other than the governor serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointment.

(d) For the purpose of (a) (4) of this section, "broadly and equitably representative of the general public" means that the public membership of the commission shall include adequate representation both on the basis of sex and on the basis of the significant racial, ethnic, geographic and economic groups in the state. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.905. Officers. The chairman and vice-chairman shall be elected from among the members of the commission for a one-year term and no member of the commission may serve as chairman for more than two consecutive one-year terms. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.907. Meetings, rules, votes required. The commission shall prescribe its own rules of procedure. The commission shall meet once quarterly at a time and place determined by the chairman, and at other times and places as the chairman, or a majority of the members of the commission, consider necessary. A quorum is a majority of the members of the commission. The votes of the commission members shall be recorded, and effective action requires the affirmative vote of a majority of the commission members present. No commission member may, with respect to a matter before the commission, vote for or on behalf of, or in any way exercise the vote of, another member of the commission. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.909. Functions of the commission. (a) The commission has the following functions, advisory to the governing boards of institutions of public and private higher education in Alaska, to the governor, the legislature and to other appropriate state and federal officials:

(1) coordinating the development of comprehensive plans for the orderly, systematic growth of public and private postsecondary education, including community colleges and occupational education, in the state and submit recommendations on the need for, and location of, new facilities and programs;

(2) advise as to the functions and purposes of the colleges and universities in the state, and present comments on the general level of support sought;

(3) review the annual budgets and capital outlay requests of the University of Alaska and of each of the private colleges and universities in the state, and present comments on the general level of support sought;

(4) review and advise as to the working of all consortia and other cooperative agreements between the institutions of higher education in the state that are parties to them;

(5) administer the provisions of AS 14.48. Regulation of Postsecondary Educational Institutions. (am Sec. 2 ch 25 SLA 1976)

(b) The commission shall

(1) develop a comprehensive statewide plan for coordinated postsecondary education in the state and serve as the state commission on postsecondary education required under section 1202 of Title XII of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, sec. 196; 86 Stat. 324);

(2) establish a state advisory council on community colleges and develop a comprehensive statewide plan for the expansion and improvement of the community colleges under section 1001 of Title X of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, Sec. 186; 86 Stat. 312, 313);

(3) serve as the state agency required under sections 105 of Title I (Community Service and Continuing Education), 603 of Title VI (Financial Assistance for Undergraduate Education) and 704 of Title VII (Construction of Academic Facilities) of the Higher Education Act of 1965 (PL 89-329; 79 Stat. 1220, 1262; 20 U.S.C. 1005, 1123) as authorized by section 1202(c) of Title XII of the Higher Education Act of 1965, as amended by the Education Amendments of 1972 (PL 92-318, section 196; 86 Stat. 324);

(4) administer the provisions of AS 14.40.751—14.40.806 (student loan and tuition grant program), and serve as the student financial aid committee;

(5) administer the provisions of AS 14.48. Regulation of Postsecondary Educational Institutions. (am Sec. 2 ch 25 SLA 1976)

(6) resolve any disputes that exist or arise under a consortium or other cooperative agreement between institutions of public and private higher education in the state.

(c) The commission may establish task forces, committees or subcommittees, not necessarily consisting of commission members, to advise and assist the commission in carrying out its functions assigned by state or federal statute. The commission may contract with, or use, existing institutions of higher education or other individuals or organizations to make studies, conduct surveys, submit recommendations or otherwise contribute to the work of the commission. The commission may appoint a committee to be responsible for the area of student financial aid. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.911. Collection of data. The commission may require the institutions of public and private higher education, and other institutions of postsecondary education, in the state to submit data on costs, selection and retention of students, enrollments, plant capacities and use and other matters pertinent to effective planning and coordination, and shall furnish information concerning these matters to the governor, to the legislature and to other state and federal agencies as requested by them. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.913. Executive officer and staff; administration. (a) The commission may appoint an executive officer. The executive officer is a member of the exempt service under AS 39.25.110, serves at the pleasure of the commission, and he receives compensation fixed by the commission. The executive officer appoints persons to the staff positions authorized by the commission, and staff compensation is fixed by the commission. The executive officer is the executive secretary of the student financial aid committee. Each employee of the commission shall elect membership either in the state teachers' retirement system (AS 14.25), if qualified, or in the public employees' retirement system (AS 39.35).

(b) The Alaska Commission on Postsecondary Education is not a division in the Department of Education. The commission, its members, executive officer and staff are in the Department of Education for administrative support services only, and they are not subject to the direction of the commissioner of education or the state Board of Education. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.915. Compensation and per diem. Members of the commission serve without compensation but are entitled to per diem and travel expenses as may be authorized by law for boards and commissions. (Sec. 4 ch 78 SLA 1974)

Sec. 14.40.917. Legal counsel. (a) The attorney general is legal counsel for the commission. He shall advise the commission in legal matters arising in the discharge of its duties and represent the commission in actions to which it is a party. If, in the opinion of the commission, the public interest is not adequately represented by counsel in a proceeding, the attorney general, upon request of the commission, shall represent the public interest.

(b) The commission may employ temporary legal counsel from time to time in matters in which the commission is involved.

(Sec. 3 ch 25 SLA 1976)

Sec. 14.40.919. Consortia. All parties that are signatory to a consortium agreement between the University of Alaska and a private university or college must abide by a decision rendered by the commission when disagreements arise or exist between the parties. For purposes of this section and Section 909(b)(6) of this chapter, "consortium" means a cooperative arrangement between two or more public or private institutions of higher education specified in agreements or memoranda of understanding to permit sharing of facilities, instructional opportunities, and other educational services in such a way that the integrity of each institution party to the consortium is preserved while at the same time the institutions cooperatively plan the academic calendar, scheduling, use of personnel and facilities, and educational programs and offerings to the maximum advantage of the students and faculties of the institutions that are parties to a consortium. (am Sec. 8 ch 246 SLA 1976)

Article 12. Free Tuition and Fees for Dependents of Prisoners of War and Those Missing in Action in Southeast Asia

Section
920. Free tuition and fees at state-supported educational institutions

Sec. 14.40.920. Free tuition and fees at state-supported educational institutions. (a) Any dependent of a bona fide Alaska resident who, while serving during the hostilities involving the United States forces in Southeast Asia, was listed by the United States Department of Defense as a prisoner of war or missing in action in Southeast Asia may attend any state-supported educational institution without payment of tuition and fees.

(b) As used in this section, "dependent" means a dependent spouse or child. (Sec. 1 ch 176 SLA 1972)

Article 13. Alaska State Educational Incentive Grant Program

Section
930. Purpose; creation
935. Administration
940. Distribution of funds
945. Eligibility; priority

Section
950. Limitation on grants
955. Confidentiality of certain information
960. Definitions

Sec. 14.40.930. Purpose; creation. There is established the Alaska state educational incentive grant program to provide financial assistance to eligible students to enable them to attend, or continue their attendance at postsecondary educational institutions. Funds appropriated for this program shall be used as matching funds for the state's participation in the federal-state student incentive grant program (PL 92-318; 20 USC Sec. 1070c—1070c-3).

Sec. 14.40.935. Administration. (a) The educational incentive grant program established under sections 930—960 of this chapter shall be administered by the executive secretary of the student financial aid committee under sections 753 and 757 of this chapter, subject to review by the committee and to those regulations the committee may prescribe to carry out the purposes of sections 930—960 of this chapter.

(b) To the extent that they are not in conflict with the provisions of sections 930—935 of this chapter, the provisions of sections 751—806 of this chapter relating to student financial aid are applicable to the grants made under sections 930—960 of this chapter.

Sec. 14.40.940. Distribution of funds. The funds appropriated for the educational incentive grant program shall be allocated to eligible students in accordance with the provisions of the federal-state student incentive grant program and regulations promulgated under sections 757 and 935 of this chapter.

Sec. 14.40.945. Eligibility; priority. (a) A student may apply for an educational incentive grant if he

(1) is a resident of Alaska;

(2) is either

(A) enrolled as a full-time undergraduate student in a degree program in an accredited postsecondary educational institution; or

(B) a person eligible to be admitted to an accredited postsecondary educational institution; and

(3) establishes financial need in accordance with standards for determining financial need adopted by the committee under 20 USC sec. 1070c-2.

(b) The committee shall, by regulation, establish a system of priority in the selection of recipients of grants under sections 930—960 of this chapter under which students from "low income" families or whose incomes are considered "low income" shall be given preference in the award of the educational incentive grants.

Sec. 14.40.950. Limitation on grants. (a) No grant made under sections 930—960 of this chapter may be in an amount less than $100 nor more than $1,500 for each academic year.

(b) A grant awarded under sections 930—960 of this chapter may be used by a student only at an accredited postsecondary educational institution.

Sec. 14.40.955. Confidentiality of certain information. All information submitted in support of a determination of financial need as provided in this chapter is confidential. However, an applicant may inspect or copy information from his own application, or records relating to his own application, or authorize release of the application or records to designated individuals or organizations.

Sec. 14.40.960. Definitions. In sections 930—960 of this chapter

(1) "resident" means a person who, except for brief intervals, military service, attendance at an educational or training institution, or for absences for good cause shown, has resided in Alaska and who has maintained his domicile in Alaska; domicile is the true and permanent home of a person from which he has no present intention of moving and to which he intends to return whenever he is away;

(2) "undergraduate" means a student who has not completed a baccalaureate, graduate or professional degree.

(am Sec. 1 ch 51 SLA 1978)

Chapter 45. Private and Denominational Schools

Section
10. Repealed
20. Commissioner may furnish examination questions for and grant diplomas to eighth grade pupils

Section
30. Attendance and annual reports required

Sec. 14.45.010. Repealed. (Sec. 59 ch 98 SLA 1966)

Sec. 14.45.020. Commissioner may furnish examination questions for and grant diplomas to eighth grade pupils. The commissioner may furnish final examination questions for the eighth grade pupils in private and denominational schools and grant eighth grade diplomas in the same manner as in public schools. (Sec. 37-11-2 ACLA 1949)

Sec. 14.45.030. Attendance and annual reports required. Teachers and others in charge of private or denominational schools shall make regular monthly attendance reports and annual reports to the commissioner of education in the same manner as teachers and superintendents in the public schools. (Sec. 37-11-3 ACLA 1949)

Chapter 47. Regulation of Educational Institutions. Repealed. (Sec. 5 ch 25 SLA 1976)

Chapter 48. Regulation of Postsecondary Educational Institutions

Section
10. Purposes
20. Authorization and permits required
30. Exemptions
40. Commission to administer chapter
50. Powers and duties of commission
60. Minimum standards
70. Authorization to operate
80. Agent's permit
90. Fees
100. Bonds
110. Denial

Section
120. Revocation
130. Complaints
140. Judicial review
150. Preservation of records
160. Enforceability of notes and contracts
170. Jurisdiction
180. Enforcement: Injunction
190. Violations: Civil penalty
200. Criminal violation
210. Definitions

Sec. 14.48.010. Purposes. (a) It is the purpose of this chapter to provide for the protection, education, and welfare of the citizens of the state, its postsecondary educational institutions, and its students, by

(1) establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive, or fraudulent institutions and practices;

(2) prohibiting the granting of false or misleading educational credentials;

(3) regulating the use of academic terminology in designating educational institutions;

(4) prohibiting misleading literature, advertising, solicitation, or representation by educational institutions or their agents;

(5) providing for the preservation of essential academic records; and

(6) providing certain rights and remedies to the public and the commission necessary to carry out the purposes of this chapter.

(b) This chapter may not be construed to preclude the development of innovative, alternative postsecondary educational delivery systems or programs if their purposes and their administration, operation or management are in the public interest and do not conflict with those purposes set out in (a) of this section.

Sec. 14.48.020. Authorization and permits required. No person may

(1) operate a postsecondary educational institution in the state unless the institution has a valid authorization to operate issued under this chapter or is exempt from the provisions of this chapter;

(2) offer itself or through an agent enrollment or instruction in, or the granting of educational credentials from, a postsecondary educational institution, whether the institution is in or outside the state, unless the agent is a natural person and has a currently valid agent's permit issued under this chapter or is exempt from the provisions of this chapter;

(3) accept contracts or enrollment applications of prospective students from an agent who does not have a current permit as required by this chapter; however, the commission may promulgate regulations to permit the rendering of legitimate public information services without the permit;

(4) instruct or educate, or offer to instruct or educate, enroll or offer to enroll, contract or offer to contract or award an educational credential, or contract with an institution or person to do so, in or outside the state, unless that person is in compliance with the minimum standards set out in section 60 of this chapter, the criteria established by the commission under section 50(1) of this chapter, and the regulations promulgated by the commission under section 50(7) of this chapter;

(5) use the term "university" or "college" without authorization to do so from the commission;

(6) grant, or offer to grant, educational credentials, without authorization to do so from the commission.

Sec. 14.48.030. Exemptions. The following educational programs or services and educational institutions are exempt from the provisions of this chapter:

(a) Institutions exclusively offering instruction at one, some or all levels from preschool through grade 12 are exempt from the provisions of this chapter.

(b) The following educational programs or services and educational institutions are exempt from the provisions of this chapter or portions of them, as determined by the commission:

(1) education sponsored by a bona fide trade, business, labor, professional, or fraternal association or organization, recognized by the commission and conducted solely for that association's or organization's membership, or offered on a no-fee basis;

(2) education solely avocational or recreational in nature and institutions offering avocational or recreational education exclusively;

(3) education offered by charitable organizations, recognized by the commission, if the education is not advertised or promoted as leading toward educational credentials;

(4) nonprofit postsecondary educational institutions offering undergraduate or graduate educational programs conducted in the state, but not by correspondence, which are acceptable for credit toward an associate, bachelor's or graduate degree;

(5) postsecondary educational institutions established, operated, and governed by the United States, a state or its political subdivisions.

(am Sec. 1 ch 50 SLA 1977)

Sec. 14.48.040. Commission to administer chapter. The Alaska Commission on Postsecondary Education shall administer this chapter and may hire necessary personnel. The commission may obtain from departments, commissions and other state agencies information and assistance needed to carry out the provisions of this chapter.

Sec. 14.48.050. Powers and duties of commission. The commission shall

(1) establish minimum criteria consistent with section 60 of this chapter including quality of education, ethical and business practices, health and safety and fiscal responsibility which applicants for authorization to operate, or for an agent's permit, must meet before the authorization or permit is issued;

(2) receive, investigate and act upon applications for authorization to operate postsecondary educational institutions and applications for agent's permits;

(3) maintain a list of postsecondary educational institutions and agents authorized to operate in the state under this chapter;

(4) keep current and make available as public information the list of institutions and agents;

(5) enter into interstate reciprocity agreements with similar agencies in other states, if in the judgment of the commission the agreements will be helpful in carrying out the purposes of this chapter;

(6) receive and maintain as a permanent file, copies of academic records maintained in accordance with section 60(b) of this chapter;

(7) promulgate regulations and procedures necessary or appropriate for the conduct of its work and the implementation of this chapter under the Administrative Procedure Act (AS 44.62);

(8) investigate on its own initiative or in response to a complaint lodged with it, persons subject to, or reasonably believed by the commission to be subject to, the jurisdiction of this chapter; and in connection with the investigation subpoena persons, books, records, or documents related to the investigation; require answers in writing under oath to questions propounded by the

commission and administer oaths or affirmations to persons in connection with the investigation; and, for the purpose of examination at all reasonable times, shall have access to, and the right to copy, documentary evidence of a corporation that is under investigation or being proceeded against;

(9) exercise other necessary powers and duties in conformity with the provisions of this chapter which, in the judgment of the commission are necessary to carry out the provisions of this chapter.

Sec. 14.48.060. Minimum standards. (a) In establishing the criteria required by section 50(1) of this chapter, the commission shall require compliance with the minimum standards set out in (b) of this section.

(b) A postsecondary educational institution must be maintained and operated, or, in the case of a new institution must demonstrate that it can be maintained and operated so that

(1) the quality and content of each course or program of instruction, training, or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered;

(2) the institution has or has access to adequate space, equipment, instructional materials, and personnel where applicable to achieve the stated objective of the course or program of study and to provide education of good quality;

(3) the education or experience qualifications of directors, administrators, supervisors, and instructors are such as may reasonably insure that the students will receive education consistent with the objectives of the course or program of study;

(4) the institution provides a catalog or brochure containing information describing the programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and other material facts concerning the institution and the program or course of instruction which are reasonably likely to affect the decision of the student to enroll, together with any other disclosures specified by the commission by regulation; and that this information is provided to prospective students before enrollment;

(5) upon satisfactory completion of training, the student is given appropriate educational credentials by the institution, indicating that the course of instruction or study has been satisfactorily completed by the student;

(6) adequate records are maintained by the institution to show attendance, progress, or grades, and that satisfactory standards are enforced relating to attendance, progress and performance;

(7) the institution is maintained and operated in compliance with all pertinent ordinances and laws relating to the safety and health of persons upon the premises of the institution;

(8) the institution is financially sound and capable of fulfilling its commitments to students;

(9) neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair;

(10) the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, and instructors of the institution are of good reputation and character and have not been convicted of a violation of sections 20 or 150 of this chapter or AS 45.50.471—45.50.551 or a comparable law in another state or province;

(11) the student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate; and

(12) the institution has a fair and equitable cancellation and refund policy.

(c) Accreditation by national or regional accrediting agencies recognized by the commission may be accepted by the commission as evidence of compliance with the minimum standards established by this section and the criteria established under section 50(1) of this chapter. However, the commission may require further evidence and make further investigation as may be necessary.

Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the accrediting agency if the institution as a whole is not accredited.

Sec. 14.48.070. Authorization to operate. (a) Each postsecondary educational institution desiring to operate in this state shall apply to the commission, upon forms provided by the commission. The application shall be accompanied by a catalog or brochure published, or proposed to be published by the institution, containing the information specified in section 60(b) (4) of this chapter. The application shall also be accompanied by evidence of a surety bond or other deposit as required by section 100 of this chapter, and by the required fees. (am Sec. 2 ch 50 SLA 1977)

(b) Following review of the application and after necessary investigation of the applicant the commission shall either grant or deny authorization to operate to the applicant. A grant of authorization to operate may be on those terms and conditions the commission may prescribe.

(c) The authorization to operate shall be in a form approved by the commission and shall include

(1) the date of issuance, effective date, and term of approval;

(2) the name and address of the institution;

(3) the authority for approval;

(4) any condition or limitation of the authorization, as considered necessary by the commission.

(d) The term for which an initial authorization is given may not exceed two years, and may be issued for a lesser period of time. A subsequent authorization may be issued for a period up to five years.

(e) The authorization to operate shall be issued to the owner, or governing body, of the applicant institution, and shall be nontransferable. In the event of a change in ownership or management of the institution, a new owner or manager, or governing body, must, within 30 days after the change in ownership is effective, apply for a new authorization to operate, and if the new application is not made the institution's authorization to operate shall terminate. Application for a new authorization to operate by reason of change in ownership of the institution is considered an application for renewal under (f) of this section.

(f) At least 60 days before the expiration of an authorization to operate, the institution shall complete and file with the commission an application form for renewal of its authorization to operate. The renewal application shall be reviewed and acted upon as provided for an original application.

(g) An institution not yet in operation when its application for authorization to operate is filed may not begin operation until receipt of authorization. An institution in operation when its application for authorization to operate is filed may continue operation until its application is acted upon by the commission. The commission may issue provisional authorization to operate, containing limitations as to time, procedures, functions, or other conditions as the commission considers necessary.

Sec. 14.48.080. Agent's permit. (a) A person desiring to solicit or perform the services of an agent, in this state, shall apply to the commission upon forms provided by the commission. The application shall be accompanied by evidence of the good reputation and character of the applicant and shall state the institution which the applicant intends to represent. An agent representing more than one institution must obtain a separate agent's permit for each institution represented. However, when an agent represents institutions having a common ownership, only one agent's permit is required. If an institution which the applicant intends to represent does not have authorization to operate in this state, the application shall be accompanied by the information required of institutions making application for authorization. The application for an agent's permit shall also be accompanied by evidence of a surety bond or other deposit as required by Section 100 of this chapter, and by payment of the required fees. (am Sec. 3 ch 50 SLA 1977)

(b) An applicant for an agent's permit shall be an individual of good reputation and character and shall represent only a postsecondary educational institution or institutions which meet the minimum standards established in this section and the criteria established under section 50(1) of this chapter.

(c) Following review of the application and any further information submitted by the applicant, and investigation of the applicant as the commission considers necessary, the commission shall either grant or deny an agent's permit to the applicant.

(d) The agent's permit shall be in a form approved by the commission and shall include

(1) the date of issuance, effective date, and term;

(2) the correct name and address of the agent;

(3) the institution or institutions which the agent is authorized to represent.

(e) The term for which an agent's permit is issued may not extend for more than two years, and may be issued for a lesser period of time.

(f) At least 60 days before the expiration of an agent's permit, the agent shall complete and file with the commission an application form for renewal. The renewal application shall be reviewed and acted upon as provided for an original application.

Sec. 14.48.090. Fees. (a) The following fees shall accompany an application for an authorization to operate or an application for an agent's permit and shall be collected by the commission:

(1)	authorization to operate	$100
(2)	renewal for authorization to operate	$100
(3)	an agent's permit	$ 50
(4)	renewal for an agent's permit	$ 50

(b) Fees collected under this chapter shall be deposited in the general fund.

Sec. 14.48.100. Bonds. (a) At the time application is made for authorization to operate, or for renewal of an authorization to operate the commission may require the postsecondary educational institution to file a surety bond in the amount determined by the commission. The amount shall be determined by the number of students the institution seeks to enroll. The amount of the surety bond shall be re-examined by the commission upon each renewal of the authorization to operate to determine if a larger or smaller bond would be appropriate to ensure adequate protection for the students or enrollees, or their parents or guardians, or classes thereof. The bond shall be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state and shall be conditioned to provide indemnification to any student or enrollee, or his parent or guardian, or class thereof, determined to have suffered loss or damage as a result of an act or practice which is a violation of this chapter by the postsecondary educational institution and that the bonding company shall pay a final nonappealable order of the commission or judgment of a court of this state having jurisdiction, upon receipt of written notification of the order or judgment. The aggregate liability of the surety for the bond of the institution or agent involved in the order or judgment may not, in any event, exceed the amount of the bond.

(b) An application for an agent's permit shall be accompanied by a surety bond in the amount determined by the commission to be necessary for the protection of the students or enrollees, or their parents or guardians, or classes of these, or to reflect an institution's volume of business in the state. The bond shall be executed by the applicant as principal and by a surety company qualified and authorized to do business in this state. The bond shall be conditioned to provide indemnification to any student, enrollee, or his or her parents or guardian, or class of these, determined to have suffered loss or damage as a result of an act or practice which is a violation of this chapter by the agent. (am Sec. 4 ch 50 SLA 1977)

(c) The surety bond to be filed under this section shall cover the period of the authorization to operate or the agent's permit, as appropriate, except when a surety is released as provided in this subsection. A surety on a bond filed under this section may be released from that bond after the surety serves written notice of the release to the commission and to the bonded agent or institution 45 days before the release. However, the release does not discharge or otherwise affect a claim filed by a student or enrollee, or his parent or guardian, or class thereof, before or after the release for loss or damage resulting from an act or practice which is a violation of this chapter alleged to have occurred while the bond was in effect or for an institution's ceasing operations during the term for which tuition has been paid while the bond was in force.

(d) Authorization for an institution to operate and an agent's permit shall be suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by this section. However, the commission shall give the institution or agent, or both, at least 30 days written notice before the release of the surety, to the effect that the authorization or permit shall be suspended by operation of law until another surety bond is filed in the same manner as, and in a like amount to, the bond being terminated.

(e) In lieu of the surety bond required in (a) and (b) of this section, the applicant may file with the commission a cash deposit or other negotiable security, acceptable to the commission, in the amount specified for bonds. (am Sec. 5 ch 50 SLA 1977)

Sec. 14.48.110. Denial. If the commission, upon review of an application for authorization to operate, or an application for an agent's permit determines that the application should be denied, the commission shall notify the applicant, setting out the reasons in writing. The Administrative Procedure Act (AS 44.62) governs the review of a denial under this section.

Sec. 14.48.120. Revocation. An authorization to operate or an agent's permit may be revoked or conditioned if the commission has reasonable cause to believe that the holder of the authorization or permit is violating or has violated this chapter or AS 45.50.471 or regulations promulgated under this chapter or AS 45.50.491. The Administrative Procedure Act (AS 44.62) governs the procedure for a revocation, review of a revocation, or other action under this section.

Sec. 14.48.130. Complaints. (a) A person claiming damage or loss as a result of an act or practice by a postsecondary educational institution or its agent, or both which is a violation of this chapter or of the regulations promulgated under this chapter may file with the commission a complaint against the institution or against its agent or both. The complaint shall set out the alleged violation and shall contain other information as may be required by the commission. A complaint may also be filed by the commission on its own motion or the attorney general. A complainant may file with the commission as a representative of a class of complainants.

(b) The commission shall investigate the complaint and may attempt to effect a settlement by persuasion and conciliation. The commission may consider a complaint after 30 days written notice by registered mail to the institution or agent, or both, giving notice of a time and place for hearing on the complaint. The hearing shall be conducted in accordance with the Administrative Procedure Act (AS 44.62).

(c) If, upon the evidence at a hearing, the commission finds that a postsecondary educational institution or its agent, or both, has engaged in or is engaging in, an act or practice which violates this chapter or the regulations promulgated under this chapter the commission shall serve upon the institution or agent or both, an order requiring the institution or agent or both to cease and desist from the act or practice. If the commission finds that the complainant, or class of complainants, has suffered loss or damage as a result of the act or practice, the commission may also award the complainant, or class of complainants, full or partial restitution for the damage or loss and may impose the penalties provided for in section 180 of this chapter. The commission may also, based on its own investigation and the evidence adduced at the hearing, begin an action to revoke an institution's authorization to operate or an agent's permit.

Sec. 14.48.140. Judicial review. A final administrative order issued by the commission is subject to judicial review under the Administrative Procedure Act (AS 44.62.560—44.62.570).

Sec. 14.48.150. Preservation of records. (a) If a postsecondary educational institution proposes to discontinue its operation, the chief administrative officer of the institution shall file with the commission the original or legible true copies of academic records of the institution as specified by the commission. The records shall include that academic information customarily required by colleges when considering students for transfer or advanced study and the academic record of each former student.

(b) If it appears to the commission that records of an institution discontinuing its operations are in danger of being destroyed or otherwise made unavailable to the commission, the commission may seize the records, under an order of the superior court. The commission shall maintain a permanent file of records coming into its possession under this section.

Sec. 14.48.160. Enforceability of notes and contracts. (a) If a person to whom educational services are to be furnished by a postsecondary educational institution is a resident of this state at the time a contract relating to payment for the services, or a note, instrument, or other evidence of indebtedness relating to the services, is entered into, the provisions of this section govern the rights of the parties to the contract or evidence of indebtedness. The following agreements or provisions of an agreement entered into in connection with the contract or the giving of evidence of indebtedness are invalid:

(1) that the law of another state shall apply;

(2) that the maker or person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;

(3) that another person is authorized to confess judgment on the contract or evidence of indebtedness;

(4) that venue is fixed in a particular place.

(b) No note, instrument or other evidence of indebtedness, or contract relating to payment for education or educational services is enforceable in the courts of this state by (1) a postsecondary educational institution operating in this state unless the institution has authorization to operate under this chapter, or (2) a postsecondary educational institution having an agent in this state unless the agent had an agent's permit issued under this chapter authorizing the enrolling of or the seeking to enroll a person for educational services.

(c) A lending agency extending credit or loaning money to a person for tuition, fees, or other charges of a postsecondary educational institution for educational or other services or facilities to be rendered by the institution, shall conspicuously mark "student loan" on the face of a note, instrument, or other evidence of indebtedness taken in connection with the loan or extension of credit. If the lending agency fails to do so, it is liable for loss or damage suffered by a subsequent assignee, transferee, or holder of the evidence of indebtedness because of the absence of the notation. Notwithstanding the presence or absence of the notation, and notwithstanding an agreement to the contrary, the lending agency making the loan or extending the credit, and a transferee, assignee, or holder of the evidence of indebtedness is subject to all defenses and claims which could be asserted against the postsecondary educational institution which was to render the services or facilities, by any party to the evidence of indebtedness or by the person to whom the services or facilities were to be rendered, up to the amount remaining to be paid. For purposes of this section, "lending agency" means postsecondary educational institution, or a person controlling, controlled by, or held in common ownership with, a postsecondary educational institution, or regularly loaning money to, or to students of, a postsecondary educational institution.

Sec. 14.48.170. Jurisdiction. A postsecondary educational institution that is not exempt from the provisions of this chapter, whether or not a resident of, or having a place of business in, this state, which instructs or educates, or offers to instruct or educate, enrolls or offers to enroll, contracts or offers to contract, to provide instructional or educational services in this state, whether the instruction or services are provided in person or by correspondence, to a resident of this state, or which offers to award or awards educational credentials to a person in or resident of this state, submits the institution, and, if a natural person his personal representative, to the jurisdiction of the courts of this state concerning a cause of action arising from these activities and for the purpose of enforcement of this chapter by injunction under section 180 of this chapter.

Sec. 14.48.180. Enforcement: Injunction. (a) The attorney general at the request of the commission or on his own motion may bring an action or proceeding in a court of competent jurisdiction for the enforcement of the provisions of this chapter.

(b) When it appears to the commission that a person is, is about to, or has violated a provision of this chapter or a regulation promulgated under this chapter, the commission may, on its own motion or on the written complaint of any person, file a petition for injunction in the name of the commission in a court of competent jurisdiction against the person for the purpose of enjoining the violation or for an order directing compliance with the provisions of this chapter. It is not necessary that the commission allege or prove that it has no adequate remedy at law. The right of injunction provided in this section is in addition to other legal remedies available to the commission and is in addition to the right of criminal prosecution. However, the commission may not obtain a temporary restraining order without notice to the person affected.

Sec. 14.48.190. Violations: Civil penalty. A person who violates the provisions of section 20 of this chapter, or who fails or refuses to deposit with the commissioner the records required by section 150 of this chapter is subject to a civil penalty of not more than $1,000 for each violation. Each day's failure to comply with the provisions of sections 20 and 150 of this chapter constitutes a separate violation. The fine may be imposed by the commission in an administrative proceeding or by a court of competent jurisdiction.

Sec. 14.48.200. Criminal violation. A person who willfully violates the provisions of section 20 of this chapter or who willfully fails or refuses to deposit with the commission the records required by section 150 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both. Each day's failure to comply is a separate violation.

Sec. 14.48.210. Definitions. In this chapter

(1) "agent" means a person owning an interest in, employed by, or representing for remuneration, a postsecondary educational institution in or outside the state who, by solicitation made in the state, enrolls or seeks to enroll a resident of the state for education offered by the institution, or offers to award educational credentials, for remuneration, on behalf of the institution, or who holds himself out to residents of the state as representing a postsecondary educational institution for any purpose;

(2) "agent's permit" means a nontransferable written authorization issued to a natural person by the commission which allows that person to solicit or enroll a resident of the state for education in a postsecondary educational institution.

(3) "authorization to operate" means approval of the commission to operate or to contract to operate a postsecondary educational institution in the state;

(4) "commission" means the Alaska Commission on Postsecondary Education;

(5) "education" or "educational program or services" or like term includes any class, course, or program of training, instruction, or study;

(6) "educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify, purport or are generally taken to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution;

(7) "owner" means

(A) a person having at least a 10 percent interest in the stock of a postsecondary educational institution that is a corporation;

(B) a partner of a postsecondary educational institution that is a partnership; or

(C) a person having a direct financial interest in, or title to, at least 10 percent of the assets of a postsecondary educational institution which is neither a partnership nor a corporation; however,

(D) "owner" does not include a financial institution holding a mortgage on some or all of the real property or a security interest in some or all of the personal property of a postsecondary educational institution;

(8) "postsecondary educational institution" includes an academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or

person, offering educational credentials, or offering instruction or educational services primarily to persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance for attainment of educational, professional, or vocational objectives;

(9) "to grant" includes awarding, selling, conferring, or giving;

(10) "to offer" includes, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging persons directly or indirectly to perform the act described;

(11) "to operate a postsecondary institution" means to establish, or maintain a facility or location in the state where education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to operate an educational institution.

(Sec. 1 ch 25 SLA 1976)

Chapter 50. Federal Aid

Section
10. Acceptance of federal funds
20. Definition of public schools for purposes of Statehood Act
30. Declaration of intent
40. Expenditure of state and federal funds for teachers' salaries

Section
50. Expenditure of state and federal money for school construction
60. Apportionment of federal aid granted without limitation as to use
70. Use of line item appropriations for matching purposes
80. Consent to reasonable conditions

Sec. 14.50.010. Acceptance of federal funds. The legislature assents to federal aid under Public Law 85-864, 72 Statute 1580, 85th Congress on behalf of the state. The commissioner of education may do all things necessary to cooperate with the United States government to participate under the Act and any Act amending or supplementing it, subject to prior concurrence of the governor. (Sec. 1 ch 27 SLA 1959)

Sec. 14.50.020. Definition of public schools for purposes of Statehood Act. Public schools, for the purpose of Public Law 85-508, 85th Congress, Second Session, includes public elementary schools, public high schools, the University of Alaska and other public educational institutions which may be established. Nothing in this section includes schools for Alaska aborigines under the control of the federal government and which are administered and supervised through the Department of the Interior or the United States Department of Health, Education, and Welfare. (Sec. 1 ch 88 SLA 1959)

Sec. 14.50.030. Declaration of intent. If the United States Congress enacts legislation making federal money available to the states for teachers' salaries, school construction and other educational purposes it is the desire of the legislature that the governor or the state Board of Education as the federal law may require have sufficient flexibility in the use of money appropriated to the Department of Education to meet all reasonable federal requirements for obtaining the full amount of federal money which may be obtained by the state under such a federal aid program. (Sec. 1 ch 78 SLA 1961)

Sec. 14.50.040. Expenditure of state and federal funds for teachers' salaries. If the United States Congress enacts legislation, when the state legislature is not in session, making money available to the state for teachers' salaries, the governor or the board as the federal law may require may accept and use part or all of the federal money made available to the state to increase teachers' salaries according to a minimum salary schedule to be arrived at by the board. The governor or the board as federal law may require may use money appropriated by the legislature for teachers' salaries for matching purposes and may expend federal money so obtained for increased teachers' salaries in addition to state money already appropriated for that purpose. Any modified state minimum salary schedule arrived at as a result of receiving federal money may be put into effect by executive order signed by the governor or by order of the board, whichever appears to be the most nearly proper under federal law. This minimum salary schedule shall remain valid under the order until it is altered or approved in full by the legislature. The term "teacher" for the purposes of section 30—80 of this chapter includes teachers, school superintendents and other public school employees covered by the state minimum salary schedule who would be qualified to receive federal money through the state. (Sec. 2 ch 78 SLA 1961)

Sec. 14.50.050. Expenditure of state and federal money for school construction. If the United States Congress enacts into law legislation making money available to the state for school construction while the legislature is not in session, the governor or the board as the federal law may require may accept and use the federal money and apply it to the cost of constructing and improving school buildings and facilities to the extent that construction and improvement is authorized by the legislature when federal money becomes available. If a condition to receiving federal money for school construction is that the state increase its expenditures for that purpose over expenditures authorized by the legislature at the time federal money becomes available, the governor or the board as the federal law may require may use money appropriated by the legislature for school construction for matching purposes and may make further federal money available for school construction in addition to state money already appropriated for that purpose. To the extent practicable expenditure of state and federal money shall be limited to projects already programmed by the department and authorized by the legislature at the time federal money becomes available. (Sec. 3 ch 78 SLA 1961)

Sec. 14.50.060. Apportionment of federal aid granted without limitation as to use. If federal money is made available to the state without limitation or restriction as to the educational purposes for which it may be spent or if the federal money is made available to the state for alternative educational purposes, including payment of teachers' salaries, the governor or the board as the federal law may require may use a percentage of the money, not to exceed 50 percent, for increasing teachers' salaries in conformity with a minimum state salary schedule to be adopted by the board. The governor or the board as the federal law may require may use the remainder of the money to supplement existing educational programs. (Sec. 4 ch 78 SLA 1961)

Sec. 14.50.070. Use of line item appropriations for matching purposes. The governor or the board as the federal law may require may direct the use of any state money appropriated in any line item for the department to match federal money appropriated in any line item for the department to match federal money which will be made available to the state for substantially the same purpose or program as the money appropriated by the line item at whatever matching ratio is established for the federal money. (Sec. 5 ch 78 SLA 1961)

Sec. 14.50.080. Consent to reasonable conditions. The governor or the board as the federal law may require may accept all reasonable conditions which may be required by the federal government as a condition to receiving federal money for educational purposes. (Sec. 6 ch 78 SLA 1961)

Chapter 52. Food Service and Nutrition Education

Section
10. Findings
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30. Food service program for children established
40. Federal aid; state matching
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Section
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Sec. 14.52.010. Findings. (a) The legislature finds and declares that

(1) the proper nutrition of the state's children is a matter of highest priority;

(2) there is a demonstrated relationship between the intake of food and good nutrition and the capacity of children to develop and learn;

(3) the teaching of the principles of good nutrition in schools has been seriously inadequate, as evidenced by the existence of poor or less than adequate diets at all levels of family income;

(4) any procedure or "means test" to determine the eligibility of a child for a free or reduced price meal is often degrading and injurious both to the child and his parents; and

(5) the national school lunch and related child nutrition programs, while making significant contributions in the field of applied nutrition research, are not, as presently constituted, capable of achieving the goal of good nutrition for all children.

(b) The assurance of proper nutrition for our children is a public concern. The legislature urges that, when possible, assistance be provided from all available state and local sources to children in nonprofit private schools and in nonpublic, nonprofit service institutions, as well as to children in the state's public schools, so that they may receive the full benefits of the programs authorized under this chapter. Nevertheless, in situations where this assistance is not forthcoming in adequate amounts the schools and institutions may require of parents a registration fee to help finance the operation of food service programs. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.020. Policy; legislative intent. (a) It is the policy of the state to assure adequate nutrition offerings for the state's children, to encourage the teaching of the principles of good nutrition as an integral part of the total educational process, and to strengthen state and local administration of food service programs for children. It is also the policy of the state that food service programs conducted under this chapter be available to all children on the same basis without singling out or identifying certain children as different from their classmates.

(b) It is the intent of the legislature that insofar as the food service and nutrition education programs of city or borough school districts, or of the state-operated schools are affected by this chapter, the directives of this legislation are guidelines; the policies of this chapter are permissive and not mandatory.

(c) It is the intent of the legislature in enacting this chapter to implement the federal Child Nutrition Act of 1971 and authorize the state's participation in this program. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.030. Food service program for children established. (a) The commissioner shall formulate and administer cooperatively with appropriate federal, state and local agencies a universal food service and nutrition education program for children in the schools of the state and in service institutions conducting programs for the benefit of all children. To the fullest extent practicable, the commissioner shall utilize the available services and expertise of other related federal, state and local departments and agencies, school districts and private organizations concerned with nutrition and nutrition education in the formulation of program requirements and regulations. The program shall be designed to provide each child an equal opportunity to participate on the same basis as all other children with no discrimination as to time or place of serving or types and amounts of foods offered.

(b) On recommendation of the advisory commission established under section 170 of this chapter, the commissioner shall promulgate regulations to carry out the purposes of this chapter, in compliance with the Administrative Procedure Act (AS 44.62) and applicable federal statutes and regulations. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.040. Federal aid; state matching. (a) The legislature assents to federal aid under the Child Nutrition Act of 1971 on behalf of the state. The commissioner shall cooperate with the federal government and do all things necessary to continue state eligibility under that Act or any Act amending or supplementing it, subject to prior concurrence of the governor.

(b) If the United States Congress enacts legislation making federal money available to the states for a universal food service and nutrition education program for children under the Child Nutrition Act of 1971, it is the desire of the legislature that the governor or the commissioner of education, as federal law may require, have sufficient flexibility in the use of money appropriated to the Department of Education to meet all reasonable federal requirements for obtaining the full amount of federal money which may be obtained by the state under this federal aid program. To the extent applicable, the provisions of AS 14.50 are incorporated by reference in this chapter.

(c) For the first and second fiscal years of operations under this chapter, expenditures from funds appropriated to the department under this chapter, other than for the purchase or acquisition of land or for the cost of construction or alteration of buildings, shall constitute at least 10 percent of total operating costs of the program. For the third fiscal year, the state share shall be increased to 12 percent of operating costs and shall be increased by two percent every second year thereafter to reach a maximum of 20 percent. For each fiscal year of operations under this chapter, it is desirable expenditures by schools, school districts and service institutions, other than for the purchase or acquisition of land or for the cost of construction or alteration of buildings, constitute at least five percent of total operating costs of the program.

(d) The commissioner may make agreements with the appropriate federal departments or agencies to enable participation in the programs authorized by the Child Nutrition Act of 1971. The commissioner shall incorporate, in his agreements with the federal government, the express requirements under this chapter insofar as they may be applicable and those provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this chapter. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.050. Nutritional and other program requirements. (a) It is desirable that meals and supplemental food services provided by schools and service institutions participating in programs under this chapter meet minimum nutritional requirements prescribed by the commissioner on the basis of tested nutritional research and on recommendation of the advisory commission.

(b) Food service programs operated under this chapter and applicable federal legislation should be operated on a nonprofit basis under the supervision of the governing bodies of participating schools or service institutions. Participating schools and service institutions should offer at least one meal a day without charge to all children in attendance. The meal shall consist of a combination of foods meeting a minimum of one-third of the child's daily nutritional requirements. Additional meals or supplemental food services before, during or after the school day may be offered to all children in attendance based on economic or nutritional needs.

(c) No affidavit nor certification is required of any parent or guardian in order that a child take part in the food service program operated by the school or service institution.

(d) The sale of extra food and beverage items offered on a regular basis during the regular school day should be restricted to those items recognized as making a contribution to, or permitted by the school to be served as a part of, a meal meeting the nutritional requirements prescribed by the commissioner, and income from the sale of these items shall be deposited to the account of the nonprofit food service program and the income shall be used only for program purposes.

(e) The department shall determine the eligibility of applicant schools and service institutions to participate in programs authorized under this chapter and applicable federal legislation, shall determine their need for assistance to carry out the purposes of this chapter and shall establish controls to insure effective use of funds. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.060. Direct food assistance. A school or service institution participating in programs authorized under this chapter should, insofar as practicable, utilize in its program foods donated by the United States Department of Agriculture under applicable federal law. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.070. Apportionments and payments. (a) The apportionment to each participating school, school district and service institution shall be made on the basis of the factors established by federal law, as supplemented by regulations promulgated by the commissioner under section 30(b) of this chapter.

(b) The commissioner shall certify to the commissioner of administration from time to time the amounts to be paid to any school, school district or service institution under the provisions of this chapter and the time or times these amounts are to be paid and the commissioner of administration shall pay to the schools, school districts or service institutions at the time or times fixed by the commissioner the amounts certified. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.080. Use of funds. (a) Funds paid to the state by the federal government for any fiscal year shall be disbursed to schools, school districts and service institutions to assist them in financing the operating costs of their food service program including the costs of obtaining, preparing and serving food.

(b) These disbursements shall be made by the department at least monthly and may be made not earlier than 10 days before the beginning of each month of operations. Periodic adjustments in the amounts of funds disbursed shall be made to conform with the provisions of federal law. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.090. Nonfood assistance. (a) On recommendation of the advisory commission the commissioner shall formulate and carry out a program to supply schools, school districts and service institutions with equipment, other than land or buildings, for the storage, preparation and transportation, and serving of food to enable these schools to establish or expand food service programs for children.

(b) For the first five years of operation under this chapter the commissioner shall apportion 50 percent of funds appropriated for the purposes of this section among the schools, school districts and service institutions without a food service. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.100. Nutrition education. (a) The commissioner, in cooperation with the Office of Education of the United States Department of Health, Education and Welfare, and on recommendation of the advisory commission, is authorized to formulate the basic elements of a nutrition education program for children to be extended on a voluntary basis through the department to schools, school districts and service institutions participating in programs authorized under this chapter. The program shall include, without limitation, the preparation of course outlines, based on the advice of experts in the field of child nutrition, classroom teaching aids, visual materials, the training of school food service personnel, and the training of teachers to conduct courses in child nutrition.

(b) For the first fiscal year of operations under this chapter, grants, other than grants made under section 70 of this chapter, for the conduct of nutrition education programs for children shall be based on a rate of 50 cents for each child enrolled in schools or service institutions within the state and, for each fiscal year thereafter, grants will be based on a rate of $1 for each child so enrolled. Enrollment data used will be the latest available as certified by the department to the Office of Education of the United States Department of Health, Education and Welfare. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.110. State plans of operation. The commissioner shall submit to the secretary state plans of operation under the federal Child Nutrition Act of 1971 at least three months before the first fiscal year of operations under this chapter. These plans shall include, without limitation, the following:

(1) proposed state and local funding;

(2) plans to extend food service to all eligible schools;

(3) plans for a nutrition education program to be conducted in schools and service institutions;

(4) the types and kinds of food service to be offered to children attending participating schools and service institutions, and procedures and methods to be employed to assure high quality, nutritious and appetizing meals for participating children;

(5) plans for supervision and audit of program operations; the plans of operation must be approved by the commissioner before disbursement of funds to participating schools, school districts and service institutions;

(6) plans for conducting training programs for school food service personnel;

(7) plans for conducting experimental or demonstration projects. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.120. State, local administrative, supervision expenses, costs. (a) The commissioner may utilize federal funds granted under the Child Nutrition Act of 1971 for use for its administrative expenses in supervising and giving technical assistance to the schools, school districts or service institutions in their conduct of programs under this chapter. These funds shall be utilized only in amounts and to the extent determined necessary by the commissioner to assist these schools, school districts or service institutions in the administration of additional activities undertaken by them under this chapter. Any employee paid in whole or in part with federal funds provided under the Child Nutrition Act of 1971 shall be included under either a merit, civil service, or tenure system covering employees of the department or school district.

(b) The commissioner may accept and disburse out of the federal grants for the purposes of this chapter funds to assist in the supervision of local program operations. The grant to each school, school district or service institution is to be determined on the basis of federal law and regulations promulgated under it. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.130. Assistance to nonprofit private schools. (a) Federal assistance for food service to nonprofit private schools shall be provided by the department either in the form of direct payments or by payments made through the school district in which the nonprofit private school is geographically located.

(b) If the department is precluded by law from making direct or indirect payments to these schools, the commissioner shall withhold funds from the apportionments to the schools or districts for the purpose of making direct payments to these schools. Withholding of these funds shall be based on the rate of federal assistance per child per year for the schools or districts as determined by federal law or regulation and the number of children attending nonprofit private schools in the state. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.140. Pilot operations. In cooperation with the United States Department of Agriculture during the first full fiscal year following the passage of the federal Child Nutrition Act of 1971 and this chapter, the commissioner shall begin pilot operations in schools, school districts or service institutions he selects on recommendation of the advisory commission, utilizing available federal, state and local funds to test and develop the most effective techniques and procedures for effectuating the provisions of this chapter and for the purpose of developing appropriate estimates of participation and costs. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.150. Accounts, records and reports. (a) The department, schools, school districts, and service institutions participating in programs under this chapter and the federal Child Nutrition Act of 1971 shall keep whatever accounts and records may be necessary to enable the secretary and the commissioner to determine whether there has been compliance under federal law, this chapter and the regulations promulgated under them. The accounts and records shall at all times be available for inspection and audit by representatives of the secretary and the department and shall be preserved for three years.

(b) The department shall provide periodic reports on expenditures of federal funds, program participation, program costs, and other required data on the form the secretary prescribes. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.160. Evaluation. The commissioner and the advisory commission shall carefully and systematically evaluate the programs conducted under this chapter, directly or by contracting for independent evaluations, with a view to measuring specific benefits, as far as practicable, and providing information needed to assess the effectiveness of program procedures, policies and methods of operation. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.170. Advisory commission. (a) There is in the department an advisory commission to be known as the Advisory Commission on Child Nutrition which shall be composed of not less than 13 members appointed by the commissioner. Membership shall include a school administrator, a person engaged in child welfare, a person engaged in vocational education, a nutrition expert, school food service management experts (one each from a rural and urban school), a school governing board member, one representative each from the division of agriculture of the Department of Natural Resources and from the Department of Health and Social Services specially qualified to serve on the commission because of their education, training, experience and knowledge in matters relating to child nutrition, and the remaining members from active members of parent-teacher organizations or parents who have children attending schools or service institutions participating in programs under this chapter. Women and minority group representatives shall be included among the membership.

(b) Members appointed outside the Departments of Education, Natural Resources and Health and Social Services shall be appointed for staggered, four-year terms determined by lot. Members appointed from the Departments of Education, Natural Resources and Health and Social Services serve at the pleasure of the commissioners appointing them.

(c) The commissioner shall designate one of the members to serve as chairman, and one to serve as vice-chairman of the commission.

(d) The commission shall meet at the call of the chairman but shall meet at least twice a year.

(e) A majority of the members shall constitute a quorum and a vacancy on the commission shall not affect its powers.

(f) In addition to its other duties set out in this chapter, the commission shall make a continuing study of the operation of programs carried out under this chapter with a view to determining how the programs may be improved. Annually, the commission shall submit to the commissioner, the governor and the legislature a written report of the results of its study together with the recommendations for administrative and legislative changes it considers appropriate.

(g) The commissioner shall provide the commission with the technical and other assistance, including secretarial and clerical services that may be required to carry out its functions under this chapter.

(h) Members of the commission receive no salary but are entitled to the same travel and per diem provided for other boards and commissions.

Sec. 14.52.180. Definitions. In this chapter

(1) "advisory commission" means the Advisory Commission on Child Nutrition established by section 170 of this chapter;

(2) "commissioner" means the commissioner of education;

(3) "department" means the Department of Education;

(4) "nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the United States Internal Revenue Code of 1954, as amended;

(5) "operating costs" means the cost of food and nutrition services administration and supervision, labor, supplies, acquisition, storage, preparation and service of food used in the food service program, utilities, maintenance, repair, and replacement of equipment; this term does not include the cost or value of land or acquisition, construction, or alteration of buildings, nor does it include any part of the general administrative and maintenance expenses for the total school program;

(6) "secretary" means the Secretary of the United States Department of Agriculture;

(7) "service institution" means private, nonprofit institutions or public institutions which provide day care or other child care services for children or handicapped children;

(8) "school" or "school district" means the governing body which is responsible for the administration of one or more attendance units and which has the legal authority to operate a food service program; the term includes any public or nonprofit private primary, elementary or secondary school through grade 12, and kindergarten and preschool programs operated by these schools;

(9) "universal food service and nutrition education program" means a program designed and operated to offer all children in group situations away from home at least one meal a day which meets at least one-third of the child's daily nutritional requirements; additional meals or supplemental food services may be offered to all children in attendance based on economic or nutritional needs; all food service programs conducted under this chapter should operate without charge to the child; the children to be covered under this chapter include those attending preschool, kindergarten, primary, elementary and secondary schools through grade 12 and children in service institutions as defined in this chapter; the term also includes a broad program of nutrition education to teach all children basic principles of good nutrition and the importance of good nutrition to health. (Sec. 1 ch 187 SLA 1972)

Sec. 14.52.190. Short title. This chapter may be cited as the Alaska Child Nutrition Act. (Sec. 1 ch 187 SLA 1972)

Chapter 56. The State Library and Historical Library

Article
1. Library (Sec. 14.56.010—Sec. 14.56.080)
2. State Publications Library Distribution Center (Sec. 14.56.090—Sec. 14.56.180)
3. Rural Community Libraries (Sec. 14.56.200—14.56.240)
4. Alaska Blue Book (Sec. 14.56.250—14.56.290)

Article 1. Library

Section
10. Department of education to govern library
20. Powers of department of education
30. State library duties
40. Application for grant-in-aid

Section
50. Payment of grant-in-aid
60. Limitation on grant-in-aid
65. Public library construction grants
80. Historical library duties

Sec. 14.56.010. Department of education to govern library. The Department of Education shall manage and have complete charge of all of the property contained in the institutions known as the state library and state historical library. The state library and state historical library shall be maintained in the state capital. (Sec. 57 ch 98 SLA 1966; am Sec. 1 ch 192 SLA 1968)

Sec. 14.56.020. Powers of department of education. The department shall

(1) stimulate and encourage citizens' participation in the development and improvement of library facilities; and

(2) establish policies, plans, and procedures of the department, and promulgate reasonable regulations and orders, with penalties, as may be required. (Sec. 57 ch 98 SLA 1966)

Sec. 14.56.030. State library duties. The department shall undertake state library functions which will benefit the state and its citizens, including:

(1) coordinate library services of the state with other educational services and agencies to increase effectiveness and eliminate duplication;

(2) provide reference library service to state and other public officials;

(3) provide library services and administer state and other grants-in-aid to public libraries to supplement and improve their services, the grants to be paid from funds appropriated for that purpose, or from other funds available for that purpose;

(4) provide library service directly to areas in which there is not sufficient population or local revenue to support independent library units;

(5) distribute financial aid to public libraries for extension of library service to surrounding areas and to improve inadequate local library service under regulations promulgated by the department;

(6) offer consultant service on library matters to state and municipal libraries, community libraries, school libraries, and libraries in unincorporated communities;

(7) serve as a depository for state and federal publications concerning Alaska;

(8) apply for, receive, and spend federal, state, or private funds available for library purposes; (Sec. 57 ch 98 SLA 1966)

(9) to record and distribute the election pamphlet provided for by AS 15.57 to libraries throughout the state for use by blind voters. (Sec. 57 ch 98 SLA 1966; am Sec. 1 ch 10 SLA 1975)

Sec. 14.56.040. Application for grant-in-aid. An association desiring to receive the benefits of sections 20—60 of this chapter shall file a copy of its articles of incorporation and bylaws with the department, and shall file an annual report with the department listing the members of its library board and an accurate record of money spent on the purchase of books and periodicals. A copy of these records shall be sent to the department at the close of each fiscal year. (Sec. 57 ch 98 SLA 1966)

Sec. 14.56.050. Payment of grant-in-aid. (a) A municipality or an association may apply to the department for payment of a grant-in-aid authorized by sections 40—60 of this chapter. At the discretion of the commissioner, payment of a grant-in-aid may be made in accordance with regulations adopted by the department.

(b) A grant under (a) of this section is authorized only for the purchase of books and periodicals, or other library materials.

(Repealed and re-enacted Sec. 1 ch 173 SLA 1978)

Sec. 14.56.060. Limitation on grant-in-aid. The state shall provide assistance to a municipality providing public library services or to any association incorporated under the laws of the state, for the purpose of maintaining public libraries, to the extent of paying to the municipality or association $1,000 in one year in accordance with regulations adopted by the department.

(Repealed and re-enacted sec. 2 ch 173 SLA 1978)

Sec. 14.56.065. Public library construction grants. (a) The director of the division of state libraries shall administer a program providing for grants to municipalites in the state for the construction and equipping of libraries. To be eligible for a grant under this section a municipality shall provide not less than 40 percent of the total cost of the project for which funds are granted. The department shall administer the funds under this section and shall adopt regulations necessary to carry out the purposes of this section.

(b) In this section "municipality" means a city or organized borough of any class. (Sec. 1 ch 100 SLA 1970)

Sec. 14.56.080. Historical library duties. The department shall

(1) collect, catalog, and preserve an Alaska collection consisting of books, laws, pamphlets, periodicals, manuscripts, microreproductions, audio-visual materials, etc.;

(2) serve as a depository for state and federal historical publications concerning Alaska;

(3) acquire, catalog, and maintain archives relative to Alaska such as the records or correspondence of any public or private institution or individual which are adjudged worthy of preservation for reference and research purposes;

(4) perform other functions necessary to the operation of a historical library. (Sec. 57 ch 98 SLA 1966; am Sec. 2 ch 191 SLA 1970)

Article 2. State Library Distribution and Data Access Center.

Section
90. State library distribution and data access center established
100. Duties of center
110. Regulations
120. Deposit of publications and research data
123. Liaison with center
125. Summaries and indices
130. Other documents required of state agencies

Section
135. Efficiency and computerization
140. Repealed
150. Depository library contracts
160. Depository library designations
170. Limited distribution of state publications and research data
180. Definitions

Sec. 14.56.090. State library distribution and data access center established. There is established in the state library the state library distribution and data access center. (Sec. 1 ch 2 SLA 1970; am Sec. 2 ch 27 SLA 1979)

Sec. 14.56.100. Duties of center. The state library distribution and data access center shall, in cooperation with federal, municipal, and private data collection and research efforts, promote the establishment of an orderly depository library and data index distribution and access system (Sec. 1 ch 2 SLA 1970; am Sec. 3 ch 27 SLA 1979)

Sec. 14.56.110. Regulations. The Department of Education shall adopt regulations necessary to carry out the provisions of secs. 90 — 180 of this chapter. (Sec. 1 ch 2 SLA 1970)

Sec. 14.56.120. Deposit of publications and research data. (a) Each state agency shall deposit, upon release, at least four copies of each of its state publications in the center. Additional copies of each publication may be requested by the center for deposit in quantities necessary to meet the needs of the depository library system and to provide inter-library service to those libraries not having depository status.

(b) Each state agency shall notify the center of the creation of all data published or compiled by or for it at public expense and provide for its accessibility through the center, unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the agency is otherwise prohibited by law from doing so.

(c) The center is also a depository for publications of municipalities and regional educational attendance areas, including surveys and studies produced by a municipality or regional educational attendance area or produced for it on contract. Four copies of each publication produced for a municipality or regional educational attendance area may be deposited with the center for record and distribution purposes.

(d) Each municipality or regional educational attendance area may notify the center of the creation of all data published or compiled by or for it at public expense and provide for its accessibility through the center, unless the data is protected by the constitutional right to privacy or is of a type stated by law to be confidential or the municipality or regional educational attendance area is otherwise prohibited by law from doing so.

(e) When research project or study is conducted for a person by a state agency, a municipality, or a regional educational attendance area, even though no state funding is involved, the state agency, municipality or regional educational attendance area shall request that person for permission to make copies of its final report available to the center under AS 14.56.090 — 14.56.180. If permission is granted, the report shall be deposited with the center.

(Sec. 1 ch 2 SLA 1970; am Sec. 4 ch 27 SLA 1979)

14.56.123. Liaison with center. Each state agency shall and each municipality and regional educational attendance area may designate one of its employees to be responsible for depositing the materials and information specified in AS 14.56.120. (Sec. 5 ch 27 SLA 1979)

Sec. 14.56.125. Summaries and indices. (a) Upon notification of the creation of data under AS 14.56.120, a state agency shall and a municipality or regional educational attendance area may prepare an abstract or summary of it.

(b) The center shall prepare and keep current an index of all publications and data abstracts or summaries on file and shall publish and distribute that index regularly to contracting depository libraries and to other Alaska libraries upon request. (Sec. 5 ch 27 SLA 1979)

Sec. 14.56.130. Other documents required of state agencies. Upon the request of the center, a state agency shall furnish the center with a complete list of its current state publications, data published or compiled by or for it at public expense, and a copy of its mailing or exchange lists. However, data which is protected by the constitutional right to privacy or is of a type stated by law to be confidential or which the agency is otherwise prohibited by law from distributing may not be furnished to the center. (Sec. 1 ch 2 SLA 1970; am Sec. 6 ch 27 SLA 1979)

Sec. 14 56.135. Efficiency and computerization. The center shall, to the extent practicable, avoid duplication, coordinate its activities with other state agencies charged with record-keeping functions, and employ computerization to compile or organize research data and other materials. (Sec. 7 ch 27 SLA 1979)

Sec. 14.56.140. Repealed. (Sec. 11 ch 27 SLA 1979)

Sec. 14.56.150. Depository library contracts. The center may enter into depository contracts with municipal, regional educational attendance area, university or community college libraries, public library associations, state library agencies, the Library of Congress, and other state and federal library systems. The requirements for eligibility to contract as a depository library shall be established by the Department of Education upon the recommendation of the state librarian and shall include and take into consideration the type of library, its ability to preserve publications or data and to make them available for public use, and the geographical location of the library for ease of access to residents in all areas of the state. (Sec. 1 ch 2 SLA 1970; am Sec. 8 ch 27 SLA 1979)

Sec. 14.56.160. Depository library designations. Libraries may be designated as either "complete depository" or "selective depository." A complete depository library shall be sent one copy of every state publication. A selective depository library shall be sent one copy of every publication from the specific state agencies it designates. (Sec. 1 ch 2 SLA 1970)

Sec. 14.56.170. Distribution of state publications and research data. The center may not engage in general public distribution of either (1) state publications or lists of publications or (2) the index of publications and research data. However, unless expressly prohibited by law, the center shall make available to any person, upon request and under procedures established by it, publications, summaries, research data, indices, and other materials in its possession Reasonable fees for reproduction or printing costs and for mailing and distribution of materials may be charged by the center. (Sec. 1 ch 2 SLA 1970; am Sec. 9 ch 27 SLA 1979)

Sec. 14.56.180. Definitions. In AS 14.56.090 — 14.56.180, unless the context otherwise requires,

(1) "center" means the state library distribution and data access center.

(2) "state agency" includes state departments, divisions, agencies, boards, associations, commissions, corporations and offices, and the University of Alaska and its affiliated research institutes;

(3) "municipal" and "municipality" includes cities and organized boroughs of every class, including municipalities unified under AS 29.68.240 — 29.68.440;

(4) "state publication" includes any official document, compilation, journal, bill, law, resolution, bluebook, statute, code, register, pamphlet, list, book, report, study, hearing transcript, leaflet, order, regulation, directory, periodical or magazine issued or contracted for by a state agency determined by the state librarian to be appropriate for retention in the center;

(5) "research data" or "data" means a representation of facts, concepts or instructions in a formalized manner suitable for communication, interpretation, or processing by humans or by automatic means which was prepared to serve as a basis for reasoning, calculation, discussion or decision and which is determined appropriate for indexing by the state librarian.

(Sec. 1 ch 2 SLA 1970; am Sec. 10 ch 27 SLA 1979)

Article 3. Rural Community Libraries

Section
200. Grants for constructing and equipping libraries
210. Application for grants

Section
220. Ownership of facility
230. Regulations
240. "Rural community" defined

Sec. 14.56.200. Grants for constructing and equipping libraries. The division of state libraries shall administer a program providing for grants to rural communities for constructing and equipping community libraries according to the provisions of Sections 210–240 of this chapter. (Sec. 1 ch 42 SLA 1970)

Sec. 14.56.210. Application for grants. (a) A rural community desiring to receive the benefits of the grants provided for in section 200 of this chapter shall apply to the division of state libraries. If the rural community is within a borough with areawide library powers, the borough may apply on behalf of the community.

(b) To be eligible for a grant under sections 200—240 of this chapter, the applicant shall provide not less than 10 percent of the total cost of the project for which the funds are granted. The remaining percentage shall be provided by the state. The matching share of the applicant may be in the form of money, land, services, or other items acceptable to the division of state libraries. Satisfactory assurance of the continuation of library services shall be included as part of the application. (Sec. 1 ch 42 SLA 1970)

Sec. 14.56.220. Ownership of facility. Title to a library constructed under sections 200—240 of this chapter shall be in the applicant unless the applicant is an unincorporated city, in which case the state shall retain title until the time of any subsequent incorporation. (Sec. 1 ch 42 SLA 1970)

Sec. 14.56.230. Regulations. The division of state libraries shall adopt regulations necessary to carry out the purposes of sections 200—240 of this chapter. (Sec. 1 ch 42 SLA 1970)

Sec. 14.56.240. "Rural community" defined. In sections 200—230 of this chapter, "rural community" means any community except a first class city of over 2,000 population. (Sec. 1 ch 42 SLA 1970; am Sec. 27 ch 53 SLA 1973)

Article 4. Alaska Blue Book

Section
250. Alaska Blue Book
260. Furnishing information
270. Distribution
280. Regulations
290. Definitions

Sec. 14.56.250. Alaska Blue Book. The division of state libraries shall compile and issue biennially, beginning in 1973, an official directory of all state officers, state departments, agencies, institutions, boards and commissions and municipal officials, to be known as the Alaska Blue Book, and include in the book information regarding the functions of these officers and agencies that are considered most valuable to the people of the state, together with other data and information that is usually included in similar publications of other states. The book shall also include official reports of state agencies in the form prescribed by the division and a synopsis of all studies undertaken by each of the agencies listed. (Sec. 1 ch 135 SLA 1972)

Sec. 14.56.260. Furnishing information. In order to carry out the purposes of sections 250—290 of this chapter, a state or municipal official shall furnish information for inclusion in the Alaska Blue Book concerning his agency, including a concise report of activities, when requested to do so by the division. (Sec. 1 ch 135 SLA 1972)

Sec. 14.56.270. Distribution. (a) The division may distribute a limited number of copies of the Alaska Blue Book free of charge to libraries, schools, members of the legislature and to state and municipal officials in the state.

(b) The division shall determine a reasonable price, and charge that price for each copy of the Alaska Blue Book distributed, except for those distributed free of charge. The money collected shall be deposited in the general fund. (Sec. 1 ch 135 SLA 1972)

Sec. 14.56.280. Regulations. The division shall adopt regulations necessary to carry out the purposes of sections 250—290 of this chapter. (Sec. 1 ch 135 SLA 1972)

Sec. 14.56.290. Definitions. In sections 250—290 of this chapter

(1) "division" means the division of state libraries;

(2) "municipal" includes cities and organized boroughs of every class;

(3) "state agency" includes state departments, divisions, agencies, boards, associations, corporations, authorities, commissions, universities, institutions and offices. (Sec. 1 ch 135 SLA 1972)

Chapter 57. The State Museum

Section
10. The state museum
20. Museum Collections Advisory Committee
30. Officers; meetings, rules of procedure, quorom
40. Compensation; per diem, travel expenses

Section
50. Collections management; acquisitions and dispositions
60. Advisory duties
70. Conflict of interest
80. Definitions

Sec. 14.57.010. The state museum. (a) The Department of Education shall manage and have complete charge of all of the property contained in the institution known as the state museum. The museum shall be maintained in the state capital. Branch museums may be established and maintained in other localities in the state.

(b) The Department of Education shall

(1) acquire artifacts, natural history specimens, art objects, etc., that pertain to the human and natural history of Alaska by purchase and by gift;

(2) identify, catalog, preserve, and display these acquisitions;

(3) acquire and catalog Alaskan photographs and maintain a card catalog of this collection;

(4) accept endowments, grants, and gifts in accordance with established state policy;

(5) collect and maintain books, periodicals, pamphlets, and other materials pertinent to museum administration, techniques and collections;

(6) assist and advise in the development of local museums;

(7) collect and keep current information concerning museum activities throughout the state;

(8) coordinate the museum activities of the state with those of other agencies;

(9) keep the museum open at reasonable hours for the convenience of visitors;

(10) provide museum services and administer state and other grants-in-aid to museums in the state to supplement and improve their services, the grants to be paid from funds appropriated for that purpose, or from other funds available for that purpose. (Executive Order No. 34 (1974))

Sec. 14.57.020. Museum Collections Advisory Committee. (a) There is created in the Department of Education the state Museum Collections Advisory Committee consisting of five members appointed by the state Board of Education to serve at the board's pleasure for staggered three-year terms. The appointees shall be broadly representative of the public's interest in the preservation of the ~~human~~, cultural, natural, archeological, and anthropological history of Alaska. When possible, some of the committee members shall be known for, or possess, special expertise or a culturally relevant background in these aspects of the art and history of the state.

(b) A member appointed to fill a vacancy serves for the unexpired term of the member he succeeds. Of the initial appointees of the board, one shall serve for one year, two for two years, and two for three years. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.030. Officers; meetings, rules of procedure, quorum. (a) The committee shall elect a chairman from among its members.

(b) The committee shall meet at least once every six months and at the call of its chairman, on petition of a majority of its members, or at the call of the commissioner of education, or the director of the museum, at a mutually convenient time and place both for the members of the committee and for interested members of the public.

(c) The committee shall adopt rules of procedure to govern its meetings. A majority of the members of the committee constitutes a quorum. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.040. Compensation; per diem, travel expenses. The members of the committee serve without compensation, but they are entitled to per diem and travel expenses as authorized by law for boards and commissions. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.050. Collections management; acquisitions and dispositions. (a) On recommendation of the committee, the department shall promulgate regulations governing the museum's in-house acquisitions committee, and the management and disposition of artifacts, natural history specimens, art objects, collections or other items, materials or properties that are owned by, in the custody of, or are proposed for acquisition by, the state museum.

(b) No artifacts, natural history specimens, art objects, collections or other items, materials or properties that relate to the history of Alaska and are appropriate for preservation in the state museum of a value of $1,000 or more may be acquired by purchase, gift or exchange, or otherwise, nor may any item owned by, or in the custody of, the state museum be disposed of by sale, gift, exchange, or otherwise, without the written approval of the committee.

(c) The committee may obtain an independent, professional appraisal of the value of each item to be acquired or disposed of by or for the state museum. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.060. Advisory duties. The committee shall act in an advisory capacity to the state Board of Education as to the general policies and programs of the state museum. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.070. Conflict of interest. (a) No committee member may act upon a matter relating to the state museum in which his relationship with another person or with respect to the acquisition or disposition of an item owned by, in the custody of, or proposed to be acquired by or for the state museum creates a conflict of interest. No committee member may

(1) have a pecuniary or property interest in an item that is proposed to be acquired or disposed of by or for the state museum;

(2) have a pecuniary or property interest, directly or indirectly, in a contract to which the museum, or the state on behalf of the museum, is a party; or

(3) receive compensation for services rendered to the state museum as a consultant, expert, appraiser, or otherwise, except as provided in section 40 of this chapter.

(b) Notwithstanding (a) of this section, a committee member may bequeath or donate an item to the state museum. (Sec. 1 ch 80 SLA 1974)

Sec. 14.57.080. Definitions. In this chapter

(1) "board" means the state Board of Education;

(2) "committee" means the state Museum Collections Advisory Committee;

(3) "department" means the Department of Education. (Sec. 1 ch 80 SLA 1974)

Chapter 58. Alaska Educational Broadcasting Commission.

Section
10. Creation of Alaska Public Broadcasting Commission
20. Membership and term of office
30. Compensation and expenses

Section
40. Chairman
50. Purpose of the commission
60. Duties of the commission
70. Powers of the commission
80. Commercial broadcasting
90. Definitions

Sec. 14.58.010. Creation of Alaska Public Broadcasting Commission. There is created within the Department of Education the Alaska Public Broadcasting Commission. (Sec. 1 ch 153 SLA 1970; am Sec. 1 ch 87 SLA 1976)

Sec. 14.58.020. Membership and term of office. (a) The commission consists of nine members appointed by the governor, without regard to political affiliation, subject to confirmation by a majority of the members of the legislature in joint session. In making appointments to the commission, the governor shall give due consideration to representation from such fields as higher education, elementary and secondary education, communications, commercial broadcasting, public health, public works, labor, commerce and the professions. Members may be removed only for cause. (Sec. 2 ch 87 SLA 1976)

(b) The members of the commission shall serve staggered terms of five years, with the initial terms determined by lot. (Sec. 1 ch 153 SLA 1970)

Sec. 14.58.030. Compensation and expenses. Members of the commission receive no salary, but are entitled to per diem and travel expenses authorized by law for other commissions. (Sec. 1 ch 153 SLA 1970)

Sec. 14.58.040. Chairman. At the first meeting, the commission shall elect a chairman from among its members to serve for one year. A chairman may be elected and serve for more than one consecutive term. (Sec. 1 ch 153 SLA 1970)

Sec. 14.58.050. Purpose of the commission. The commission is created to encourage and supervise the development of an integrated public broadcasting system for the state and for the coordination of all public broadcasting stations. (Sec. 1 ch 153 SLA 1970; am Sec. 3 ch 87 SLA 1976)

Sec. 14.58.060. Duties of the commission. The commission shall

(1) control and supervise the use of broadcasting channels reserved by the Federal Communications Commission for educational broadcasting purposes;

(2) initiate or receive for review and approval all applications for educational broadcasting licenses submitted to the Federal Communications commission for or on behalf of an elementary school system, community college, institution of higher learning, private educational institution, nonprofit community or municipal organization in the state;

(3) initiate or receive for review and approval all applications for federal, state or private funds if the applications involve any form or educational broadcasting;

(4) receive all federal, state or private funds, property or assistance that may be appropriated, granted or otherwise made available to the commission for educational broadcasting purposes at all levels of education, and use and disburse funds and property for purposes consistent with the terms of this chapter, subject to reasonable limitations imposed by the grantor;

(5) provide consultative services in all aspects of education broadcasting to all public or private agencies in the state which request them;

(6) serve as a library and clearinghouse for information on broadcasting for educational and public purposes;

(7) have the final authority over the broadcasting policy programming; and

(8) Repealed (Sec. 7 ch 87 SLA 1976)

(9) develop an integrated public broadcasting network for the state;

(10) develop and distribute public broadcasting programming for educational institutions and public agencies in the state;

(11) develop and distribute public broadcasting programming for public affairs in the state;

(12) perform all other functions necessary to ensure the orderly and coordinated development of public broadcasting in the state.

(Sec. 4 ch 87 SLA 1976)

Sec. 14.58.070. Powers of the commission. The commission may

(1) employ all consultative, technical and clerical personnel necessary for the implementation of this chapter, within the limits of available funds;

(2) employ a director, who shall be directly responsible to the commission in financial and administrative matters;

(3) where no other competent contracting agency exists, lease, purchase, construct, own, operate, manage and be the licensee of educational broadcasting stations, production centers, and all other related equipment and facilities for the production and transmission of open circuit, closed circuit, 2,500 Megahertz, and other transmission means necessary to provide fully effective educational broadcasting in the state;

(4) appoint unpaid advisory committees to assist in development of programs for instructional and public television broadcasts. (Sec. 1 ch 153 SLA 1970)

(5) provide assistance to licensed commercial broadcasting stations for the broadcast of public affairs programming and utilization of satellite communications for the broadcasting of special public affairs programming. (am Sec. 5 ch 87 SLA 1976)

Sec. 14.58.080. Commercial broadcasting. Nothing in this chapter may be construed to restrict or control commercial broadcast stations or companies operating or licensed in the state. (Sec. 1 ch 153 SLA 1970)

Sec. 14.58.090. Definitions. In this chapter, unless the context otherwise requires

(1) "commission" means the Alaska Public Broadcasting Commission;

(2) "public broadcasting" includes, but is not limited to, television and radio transmission by 2,500 Megahertz, closed circuit or microwave video and audio programming, slow-scan television programming, programming via satellite, teletype or facsimile transmission, and distribution methods, when the transmission, programming and distribution are intended to serve a noncommercial educational, public or instructional purpose. (Sec. 1 ch 153 SLA 1970)

(am Sec. 6 ch 87 SLA 1976)

Chapter 60. General Provisions

Section
 10. Definitions

Sec. 14.60.010. Definitions. As used in this title, unless the context otherwise requires,

(1) "public schools" include elementary schools, high schools, citizenship night schools for adults, and other public educational institutions which may be established; however, nothing in this title includes schools for Alaska Natives under the control of the federal government and administered and supervised through the Bureau of Indian Affairs;

(2) "board" means the state Board of Education;

(3) "commissioner" means the commissioner of education;

(4) "department" means the Department of Education;

(5) "governing body" means the school board of a borough or city school district or a regional educational attendance area;

(6) "school board" means the school board of a borough or city school district or a regional education attendance area;

(7) Repealed. (Sec. 31 ch 124 SLA 1975)

(8) Repealed. (Sec. 31 ch 124 SLA 1975)

(9) "attendance area" means the geographic area designated by the department to be served by a school.

(10) "regional educational attendance area" means an educational service area in the unorganized borough which may or may not include a military reservation, and which contains one or more public schools of grade levels K-12 or any portion of those grade levels which are to be operated under the management and control of a single regional school board.

(Sec. 37-1-3 ACLA 1949; am Sec. 58 ch 98 SLA 1966; am Secs. 27, 28, 29 ch 46 SLA 1970; am Sec. 3 ch 64 SLA 1972; am Secs. 29, 30, 31, 32 ch 124 SLA 1975)

Miscellaneous Laws

Relating to Education

Title 4. Alcoholic Beverages

Chapter 15. Regulation of Sales and Distribution.

. . .

Sec. 04.15.020. Restrictions on sale or disposition of liquor.

. . .

(e) Churches and schools. The board shall not issue a beverage dispensary license or package liquor store license for the sale of intoxicating liquor in any building in which the public entrance is within 200 feet of a school ground or church building measured by the shortest pedestrian route from the outer boundaries of the school ground or public entrance of a church building in which religious services are conducted, within or outside any municipality. A license may be reissued or transferred from one licensee to another, for the sale of intoxicating liquor in a building in which that sale was authorized by law on April 25, 1960. When a license for the sale of intoxicating liquor in a building within 200 feet of a school ground or church building in which religious services are conducted is forfeited, lapses or is transferred to other premises, no license for the sale of intoxicating liquor at the prior licensed location shall thereafter be issued. However, the location may be relicensed in the event of the removal of either cause of the restriction .... (Sec. 35-4-15 1-(6) ACLA 1949; am Sec. 1 ch 83 SLA 1949; am Sec. 1 ch 54 SLA 1951; am Sec. 1 ch 116 SLA 1953; am Sec. 2 ch 131 SLA 1957; am Sec. 2 ch 197 SLA 1959; am Sec. 5 ch 183 SLA 1960; am Secs. 1, 2 ch 40 SLA 1964; am Sec. 1 ch 137 SLA 1967; am Sec. 9 ch 108 SLA 1971; am Sec. 1 ch 117 SLA 1972; am Sec. 9 ch 53 SLA 1973; am Sec. 1 ch 182 SLA 1975)

Title 9. Code of Civil Procedure

Chapter 65. Miscellaneous Provisions

. . . .

Sec. 09.65.090. Civil liability for emergency aid. (a) A person who, without expecting compensation, renders care to an injured or sick person, or gives counseling or advice to a person in a condition of emotional crisis, who appears to be in immediate need of aid is not liable for civil damages as a result of an act or omission in rendering emergency care, counseling or advice or as a result of an act or failure to act to provide or arrange for further medical treatment or care for the person in a condition of emotional crisis.... (Sec. 1 ch 32 SLA 1967; am Sec. 1 ch 119 SLA 1971)

Title 11. Criminal Law

. . . .

Sec. 11.20.590. Injury to highways, public recreation facilities, or highway signs....

(b) No person may put or throw any kind of garbage, rubbish, or material, or abandon animal viscera or other discarded objects on a highway, highway right-of-way, or public recreation facility. No person may put or throw any kind of litter or trash from a highway or highway right-of-way onto private property. (Sec. 65-5-108 ACLA 1959; am Sec. 2 ch 23 SLA 1962; am Sec. 1 ch 13 SLA 1966; (am Sec. 2 ch 65 SLA 1966)

Sec. 11.30.040. Bribery. A person who corruptly gives, offers, or promises to give a gift, gratuity, valuable consideration or other thing, or corruptly promises to do or causes to be done an act beneficial to a peace officer, judicial officer, executive officer or public official, with intent to influence the vote, opinion, decision, judgment, or official conduct of the officer or official in a matter, question, duty, cause, or proceeding which is or by law may come or be brought before him, or with intent to influence the person to act in his official capacity in a particular manner to produce or prevent a particular result, upon conviction, is punishable by imprisonment for not less than two years nor more than 10 years. (Sec. 65-7-4 ACLA 1949; am Sec. 20 ch 25 SLA 1975; am ch 25 SLA 1975)

Sec. 11.30.050. Accepting Bribe. A peace officer, judicial officer, executive officer or public official who curruptly accepts or receives a gift, gratuity, valuable consideration, or thing, or a promise of one of them, or a promise to do or cause to be done an act beneficial to him, with the understanding or agreement, express or implied, that the officer or official will give his vote, opinion, decision, or judgment in a particular manner in a matter, question, duty, cause, or proceeding which then is or may by law come or be brought before him, or with the understanding or agreement that the person will in his official capacity act in a particular manner to produce or prevent a particular result, upon conviction, is punishable by imprisonment for not less than five years nor more than 15 years. (Sec. 65-7-5 ACLA 1949; am Sec. 21 ch 25 SLA 1975; am ch 25 SLA 1975)

Sec. 11.30.075. Public Official Defined. For the purposes of sections 40 and 50 of this chapter, the definitions contained in AS 39.50.200(1), as supplemented by AS 39.50.090(e), shall be controlling. (am Sec 22 ch 25 SLA 1975)

Chapter 40. Crimes Against Morality and Decency

Sec. 11.40.160. Display, sale, offer, distribution, lending, or giving away of objectionable comic books prohibited. It is unlawful for a person to knowingly display, sell, offer for sale, distribute, lend or give away or otherwise make available to a person a horror comic book, crime comic book, sexually indecent comic book, or comic book portraying deeds of brutality and violence. (Sec. 2 ch 190 SLA 1955)

Sec. 11.40.170. Definitions of objectionable comic books. As used in section 160 of this chapter

(1) "comic book" is a narrative story, tale, romance or account of events or happenings, fictional, factual or historical in which the successive steps in the development of the action or plot are pictorially or graphically illustrated by drawings or photographs and in which the legend, narrative or dialogue is printed adjacent to or on the pictorial illustration, whether or not in balloons proceeding out of the mouths of the characters portrayed, and includes all publications of the type described, regardless of whether they partake of the elements of comedy or humor;

(2) "horror comic book" is a comic book, the theme or plot of which is devoted primarily or in substantial part to matter which is gruesome, debasing, monstrous, vile, demonic, ghoulish, weird, horrible, vicious, depraved, inhuman or otherwise calculated to inspire in readers feelings of horror, fear, revulsion, disgust or morbid curiosity;

(3) "crime comic book" is a comic book, the theme or plot of which is devoted primarily or in substantial part to the portrayal of the planning or commission of criminal deeds such as murders, rapes, armed robberies, burglaries, thefts, kidnappings, arsons, the peddling, sale or use of narcotics or other felonies or conspiracies or attempts to commit them;

(4) "sexually indecent comic book" is a comic book, the theme or plot of which is devoted primarily or in substantial part to sexually indecent subject matter such as adultery, homosexuality, sadism, masochism or other perversions or in which male and female characters are depicted in lewd, lascivious or suggestive amorous embraces or in which male or female characters are scantily or indecently clad or in which the genital organs of male or female characters are exposed or partially exposed; (am Sec. 81 ch 127 SLA 1974)

(5) "comic book portraying deeds of brutality and violence" is a comic book, the theme or plot of which is devoted primarily or in substantial part to deeds or acts of brutality or violence

such as assaults, cuttings, stabbings, beatings, sluggings, floggings, eye-gougings, brutal kickings, burnings, dismemberments and other reprehensible assaults and batteries on the person. (Sec. 1 ch 190 SLA 1955)

Sec. 11.40.180. Penalties for violation of section 160 of this chapter. A person who violates section 160 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $300, or by imprisonment for not more than 30 days, or by both. Each day during which a violation continues is a separate offense. (Sec. 3 ch 190 SLA 1955)

Sec. 11.60.210. Vagrancy. An idle or dissolute person who has no visible means of living, or lawful occupation or employment by which to earn a living; an able-bodied person found begging the means of support in public places, or from house to house, or who procures a child or children to do so; or a person who lives in a house of ill repute; or a person who, without legitimate reason, loiters about a school where children are in attendance is a vagrant, and upon conviction is punishable by a fine of not less than $20 nor more than $250, or by imprisonment in a jail for not less than 10 days nor more than 25 days, or by both. (Sec. 65.13.21 ACLA 1949; am Sec. 1 ch 66 SLA 1966)

Title 18. Health and Safety

Chapter 70. Fire Protection

. . .

Sec. 18.70.080. Regulations. The Department of Public Safety shall adopt rules and regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards for

(1) fire detection and suppression equipment;

(2) fire and life safety criteria in commercial, industrial, business, institutions or other public buildings, and buildings used for residential purposes containing four or more dwelling units;

(3) any activity in which combustible or explosive materials are stored or handled in commercial quantities;

(4) conditions or activities carried on outside a building described in (2) or (3) of this section likely to cause injury to persons or property. (Sec. 8 ch 66 SLA 1955; am Sec. 1, 2 ch 176 SLA 1968; repealed and reenacted Sec. 1 ch 23 SLA 1971)

. . .

Sec. 18.70.300. Definition of building. In this chapter "building" means a structure, installation, facility, or edifice erected or in the process of being erected and which is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units. (Sec. 4 ch 176 SLA 1968; am Sec. 27 ch 32 SLA 1971)

Title 23. Labor and Workmen's Compensation
Chapter 15. Employment Services

. . . .

Article 1. Vocational Rehabilitation

Section
10. Board of Vocational Rehabilitation
20. Powers and duties of board
30. Appointment of administrative officers
40. Division of Vocational Rehabilitation established
50. Director of vocational rehabilitation
60. Agreements under Social Security Act
70. Personnel policies
80. Eligibility for vocational rehabilitation service
90. Priority as to eligibility
100. Powers and duties

Section
110. Extension of services outside state
120. Cooperation with federal government
130. Small businesses revolving fund
140. Repealed
150. Receipt and disbursement of funds
160. Gifts
170. Maintenance not assignable
180. Hearings
190. Misuse of lists and records
200. Limitation on political activity
210. Definitions

Sec. 23.15.010. Board of vocational rehabilitation. The Board of Education which administers the program of vocational education is designated as the Board of Vocational Rehabilitation to administer the vocational rehabilitation program. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957; am Sec. 1 ch 79 SLA 1960)

Sec. 23.15.020. Powers and duties of board. (a) The board may cooperate with a federal agency, as provided and required by federal law for vocational rehabilitation.

(b) The board shall comply with these federal laws and the conditions necessary to secure the full benefit of the federal vocational rehabilitation laws, and shall do all things necessary to entitle the state to receive the benefits of the federal laws.

(c) The board may do all the things and adopt the regulations which are necessary to carry out the federal laws and the purposes of sections 10—210 of this chapter. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957; am Sec. 1 ch 79 SLA 1960)

Sec. 23.15.030. Appointment of administrative officers. The board may appoint administrative officers, and delegate to them the authority necessary to carry out sections 10—210 of this chapter. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957; am Sec. 1 ch 79 SLA 1960)

Sec. 23.15.040. Division of Vocational Rehabilitation established. The Division of Vocational Rehabilitation is established under the Board of Vocational Rehabilitation to carry out sections 10—210 of this chapter. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957; am Sec. 18 ch 208 SLA 1975)

Sec. 23.15.050. Director of vocational rehabilitation. The board shall appoint a director of the Division of Vocational Rehabilitation. The director has the administrative authority delegated to him by the board and necessary to carry out sections 10—210 of this chapter and the regulations and policies adopted by the board. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 144 SLA 1957; am Secs. 2, 3 ch 79 SLA 1960; am Sec. 9 SLA 1967)

Sec. 23.15.060. Agreements under Social Security Act. (a) The board acting through the Division of Vocational Rehabilitation may enter into necessary agreements on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal Social Security Act, as amended, and as it is subsequently amended, relating to the making of determinations of disability under Title II of that Act.

(b) The Department of Revenue shall act as the custodian of funds paid by the federal government to the state, shall comply with agreements entered into under the Social Security Act, and shall disburse the funds in accordance with instructions from the director of the Division of Vocational Rehabilitation. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957)

Sec. 23.15.070. Personnel policies. The board shall adopt personnel policies for the Division of Vocational Rehabilitation. The director shall execute these policies and keep them on file in his office. (Sec. 37-9-6 ACLA 1949; am Sec. 2 ch 169 SLA 1955; am Sec. 2 ch 144 SLA 1957)

Sec. 23.15.080. Eligibility for vocational rehabilitation service. (a) Vocational rehabilitation service shall be provided directly or through a public or private instrumentality to a handicapped individual (1) who is a resident of the state at the time he applies for the service and whose vocational rehabilitation the agency determines after full investigation can be satisfactorily achieved, or (2) who is eligible for the service under an agreement with another state or with the federal government.

(b) Vocational rehabilitation services, other than diagnostic and related services (including transportation in connection with diagnostic and related services), guidance, training, and placement may be provided at public cost only to the extent that the handicapped individual is found by the agency to require financial assistance. (Sec. 37-9-7(1) ACLA 1949; am Sec. 3 ch 144 SLA 1957)

Sec. 23.15.090. Priority as to eligibility. If vocational rehabilitation service cannot be provided for all eligible handicapped individuals who apply, the agency shall provide by regulation for determining the order to be followed in selecting those to whom the services will be provided. (Sec. 37-9-7(2) ACLA 1949; as Sec. 3 ch 144 SLA 1957)

Sec. 23.15.100. Powers and duties. (a) In carrying out Sections 10—210 of this chapter the agency shall

(1) take the action it considers necessary or appropriate to carry out the purposes of sections 10—210 of this chapter, and adopt regulations in conformity with these purposes;

(2) determine the eligibility of applicants for vocational rehabilitation service;

(3) submit to the governor annual reports of activities and expenditures and, before each regular session of the legislature, estimates of sums required for carrying out sections 10—210 of this chapter and estimates of the amounts to be made available for this purpose from all sources; and

(4) cooperate with public and private departments, agencies and institutions in providing for the vocational rehabilitation of handicapped individuals, studying the problems involved in providing this rehabilitation, and establishing, developing and providing, in conformity with the purposes of sections 10—210 of this chapter, the programs, facilities and services which may be necessary or desirable.

(b) In carrying out sections 10—210 of this chapter, the agency may

(1) enter into agreements with other states to provide for the vocational rehabilitation of residents of the state concerned;

(2) establish and operate rehabilitation facilities and workshops and make grants to public and other nonprofit organizations for these purposes;

(3) supervise the operation of vending stands and other small businesses established under sections 10—210 of this chapter to be conducted by severely handicapped individuals; and

(4) make studies, investigations, demonstrations and reports, and provide training and instruction (including the establishment and maintenance of the research fellowships and traineeships with the stipends and allowances which are considered necessary) in matters relating to vocational rehabilitation. (Sec. 37-9-8(1)(2) ACLA 1949; am Sec. 4 ch 144 SLA 1957)

Sec. 23.15.110. Extension of services outside state. Vocational rehabilitation service may be extended to the continental United States to all individuals eligible under sections 10—210 of this chapter. The director of the Division of Vocational Rehabilitation may place professional or clerical personnel or both inside the continental United States to carry out the purposes of sections 10—210 of this chapter. (Sec. 37-9-8(3) ACLA 1949; am Sec. 4 ch 144 SLA 1957)

Sec. 23.15.120. Cooperation with federal government. (a) The agency shall cooperate with the federal government in carrying out the purposes of federal laws pertaining to vocational rehabilitation (including the licensing of blind persons to operate vending stands on federal property) and may adopt the methods of administration which are found by the federal government to be necessary for the proper and efficient operation of agreements or plans for vocational rehabilitation. The agency may comply with the conditions which are necessary to obtain the full benefits of the federal laws for the state and its residents.

(b) Upon designation by the governor, the agency may perform functions and services for the federal government relating to individuals under a physical or mental disability, in addition to those provided in (a) of this section. (Sec. 37-9-9 ACLA 1949; am Sec. 5 ch 144 SLA 1957)

Sec. 23.15.130. Small businesses revolving fund. Funds to carry out the provisions of sections 10—210 of this chapter may be appropriated in the general appropriation act of the legislature. There is created in the state treasury a revolving fund designated as "The Vocational Rehabilitation Small Business Enterprises Revolving Fund." Receipts from the small business enterprise program shall be deposited into the fund and are available for the operation of the program. If the program is discontinued the unobligated balance shall revert to the general fund of the state and when all obligations have been met the fund shall be abolished. (Sec. 37-9-10 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.150. Receipt and disbursement of funds. The Department of Revenue is designated custodian of all vocational rehabilitation funds in the state. (Sec. 37-9-12 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.160. Gifts. The board may accept a gift or donation from a public or a private source which is offered unconditionally for carrying out sections 10—210 of this chapter. The board may accept a conditional gift if, in the judgment of the agency, the conditions are proper and consistent with sections 10—210 of this chapter. (Sec. 37-9-13 ACLA 1949; added by Sec. 6 ch 144 SLA 1957; am Sec. 3 ch 23 SLA 1968)

Sec. 23.15.170. Maintenance not assignable. The right of a handicapped individual to maintenance under sections 10—210 of this chapter is not transferable or assignable at law or in equity. (Sec. 37-9-14 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.180. Hearings. An individual applying for or receiving vocational rehabilitation who is aggrieved by the action or inaction of the agency is entitled to a fair hearing by the agency, in accordance with regulations. (Sec. 37-9-15 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.190. Misuse of lists and records. It is unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program and in accordance with regulations, for a person to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of a list of, names of, or information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly, derived from the records, papers, files, or communications of the state or an agency of the state, or acquired in the course of the performance of official duties. An officer or employee violating this provision is subject to discharge or suspension. (Sec. 37-9-16 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.200. Limitation on political activity. No officer or employee engaged in the administration of the vocational rehabilitation program may use his official authority to influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the results of an election or for a partisan political purpose. No officer or employee may solicit or receive, nor may an officer or employee be obliged to contribute or render, a service, assistance, subscription, assessment, or contribution for a political purpose. An officer or employee violating this section is subject to discharge or suspension. (Sec. 37-9-17 ACLA 1949; added by Sec. 6 ch 144 SLA 1957)

Sec. 23.15.210. Definitions. In sections 10–210 of this chapter

(1) "agency" means the Division of Vocational Rehabilitation;

(2) "board" means the Board of Education acting as the Board of Vocational Rehabilitation;

(3) "director" means the director of the Division of Vocational Rehabilitation;

(4) "handicapped individual" means an individual under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation;

(5) "individual who is under a physical or mental disability" means an individual who has a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting his activities or functioning;

(6) "vocational rehabilitation service" means goods and services, including diagnostic and related services, necessary to render a handicapped individual fit to engage in a remunerative occupation;

(7) "workshop" means a place where manufacture or handiwork is carried on, and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals (A) as an interim step in the rehabilitation for those who cannot readily be absorbed in the competitive labor market or (B) during a time when employment opportunities for them in the competitive labor market do not exist. (Sec. 37-9-5 ACLA 1949; am Sec. 1 ch 169 SLA 1955; am Sec. 1 ch 144 SLA 1957)

Chapter 20. Alaska Employment Security Act

Article 8. General Provisions

Sec. 23.20.382. Benefits while attending approved vocational training course. Benefits or waiting-week credit for any week shall not be denied an otherwise eligible individual because he is attending a vocational training or retraining course with the approval of the employment security division or because, while attending the course, he is not available for work or refuses an offer of work. (am Sec. 1 ch 74 SLA 1976)

Sec. 23.20.520. Definitions. In this chapter, unless the context otherwise requires,

. . .

(24) "institution of higher education" for the purposes of this chapter, means an educational institution which

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of a high school graduation certificate; and

(B) is legally authorized in this state to provide a program of education beyond high school; and

(C) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward either degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) is a public or other nonprofit institution; (Sec. 13 ch 106 SLA 1971)

(26) "training or retraining course" means a course of vocational or technical training or retraining in schools or classes, including but not limited to, field or laboratory work and related remedial or academic instruction, which is conducted as a program designed to prepare individuals for entry level employment in trades, skills or crafts; the term "training or retraining course" does not include a program of instruction for an individual, including a transfer credit program of instruction given at a community college, which is intended as credit for a degree from an institution of higher education. (am Sec. 2 ch 74 SLA 1976; am Sec. 74 ch 9 SLA 1980)

Sec. 23.20.526. Exclusions from definitions of employment.

. . .

(d) For the purposes of section 525(a)(4),(5) and (6) of this chapter, the term "employment" does not apply to service performed

. . .

(2) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving the rehabilitation or remuneratiave work;

(3) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or any agency of a state or political subdivision thereof, by an individual receiving work relief or work training;

(4) for a state hospital by an inmate of a prison or correctional institution;

(5) in the employ of a school, college, or university, if the service is performed by a student who is enrolled and is regularly attending classes at the school, college or university;

(6) by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are

carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, except that this paragraph does not apply to service performed in a program established for or on behalf of an employer or group of employers;

(Sec. 15 ch 106 SLA 1971)

Sec. 23.30.237. High school students in work-study programs. An individual who is enrolled for credit at a public high school in a course which combines academic instruction with work experience outside the school for a public or private nonprofit employer is an employee of the state for the purposes of this chapter while he is performing the work experience. Weekly compensation for disability or death under this section may not be less than the initial payment of compensation under AS 23.30.175. (am Sec. 1 ch 65 SLA 1980; am Sec. 2 ch 65 SLA 1980—This Act takes effect July 1, 1980.)

Title 24. Legislature

Sec. 24.05.040. Dual office. No member of the legislature may hold any other office or position of profit under the United States or the state. During the term for which elected and for one year thereafter, no legislator may be nominated, elected or appointed to any other office of position of profit which has been created, or the salary or emoluments of which have been increased while he was a member. This section does not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section does not apply to employment by or election to a constitutional convention. A member may serve on or at the behest of an interim committee of the legislature. (Sec. 4 ch 157 SLA 1959; am Sec. 1 ch 85 SLA 1965; am Sec. 56 ch 69 SLA 1970)

Sec. 24.20.271. Powers and duties. The legislative audit division shall

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(9) have direct access to any information related to the management of the University of Alaska and have the same right of access as exists with respect to every other state agency. (Sec. 4 ch 46 SLA 1977)

Article 4. Legislative Board of Retirement Benefits.

Sec. 24.20.500. Legislative board of retirement benefits established. The Legislative Board of Retirement Benefits is established as a permanent advisory board of the legislature. The legislature establishes the board in recognition of its need for detailed expert fiscal analyses of the retirement systems of the state and recommendations to change them.

Sec. 24.20.510. Membership. The membership of the Legislative Board of Retirement Benefits is composed of seven members:

(1) the commissioner of administration;

(2) the director of the division of retirement;

(3) an employee of the state employed under the public employees' retirement system (AS 39.35);

(4) an employee of the state or of a school district who is employed under the teachers' retirement system (AS 14.25);

(5) a public member not employed by the state who possesses a background in economics or public finance;

(6) a retired member from the public employees' retirement system; and

(7) a retired member from the teachers' retirement system.

Sec. 24.20.520. Selection of membership. (a) The commissioner of administration and the director of the division of retirement serve ex officio.

(b) The remaining members of the board are appointed by the Legislative Council and serve at the pleasure of the council for four-year terms.

Sec. 24.20.530. Compensation. (a) The ex officio members, retired members, and the state employees appointed by the Legislative Council receive no compensation for their service on the board. They shall receive travel expenses and per diem when necessary to attend meetings of the board, and the state employees appointed by the Legislative Council shall be excused from their regular duties when necessary to attend meetings of the board.

(b) The public member shall receive $100 per day for his services to the board and is entitled to travel expenses and per diem when necessary to attend meetings of the board.

Sec. 24.20.540. Duties of the board. (a) The board shall prepare a detailed fiscal analysis of each legislative proposal for changes in the retirement systems of the state within 30 days of the introduction of the proposal. Each analysis should include a projection of long term costs and short term costs to the state if the proposal is adopted as well as the long-term impact of implementation of the proposal on the actuarial soundness of the fund.

(b) The board shall meet at least four times each year. Within 60 days after the legislature convenes each year in regular session, the board shall deliver a report to the legislature on all proposals then pending in the legislature for amendment to a retirement system. The board shall also report on other pending proposals which would have an effect on the retirement systems of the state.

Sec. 24.20.560. Staff for the board. The Legislative Affairs Agency shall provide the committee with professional and clerical assistance under the auspices of the Legislative Council. The board may employ actuaries as necessary for the completion of its responsibilities with the approval of the Legislative Council. (am Sec. 1 ch 130 SLA 1977)

Sec. 24.45.250. Fees for registration of lobbyists.

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(b) High school students who register as legislative agents, and who officially represent their respective institutions shall pay a basic fee of $1. (Sec. 1 ch 16 SLA 1971)

Title 28. Motor Vehicles

Chapter 15. Operators' Licenses

Sec. 28.15.015. Medical examinations. A requirement for a medical examination as a condition precedent to obtaining an operator's license or school bus driver's permit shall be satisfied if the applicant is the holder of a current and valid first- or second-class medical certificate issued under the federal aviation regulations and has passed any requirement of the Department of Education relating to tests for tuberculosis. (am Sec. 1 ch 3 SLA 1976)

Sec. 28 15.130. School bus driver's permit. The department shall issue a school bus driver's permit upon application and completion of driving, written and physical examinations. The permit expires on September 1 of the year following issuance and may be renewed by submission to the department of a current physical examination. No person may operate a school bus carrying children without a school bus driver's permit. The commissioner of public safety may establish, by regulation, medical standards and standards of driving conduct and proficiency governing the issuance or denial of school bus driver's permits. (Sec. 15 ch 173 SLA 1959; am Sec. 1 ch 4 SLA 1961)

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Sec. 28.15.360. Definitions. In this chapter, unless the context otherwise requires,

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(2) "department" means the Department of Public Safety acting directly or through its duly authorized officers and agents; . . . . (Sec. 1 ch 173 SLA 1959; Sec. 20 (3) ch 173 SLA 1959)

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Chapter 17. Commercial Driver Training Schools

Sec. 28.17.010. Duty of commissioner of public safety to adopt regulations and to enforce chapter. (a) The commissioner of public safety shall adopt and prescribe those regulations concerning the administration and enforcement of this chapter which are necessary to carry out the intent of this chapter and to protect the public. The commissioner shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses . . . . (Sec. 1 ch 215 SLA 1968)

Sec. 28.17.080. Definitions. In this chapter, unless the context otherwise requires,

(1) "commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for its services;

(2) "commissioner" means the commissioner of public safety;

(3) "instructor" means a person, whether acting for himself as operator of a commercial driver training school or for a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles. (Sec. 1 ch 214 SLA 1968)

Title 29. Municipal Government

Article 2. Home Rule Limitations

Sec. 29.13.100. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

(1) AS 29.13.080 (charter amendment)
(2) AS 29.18.140 (borough transition)
(3) AS 29.23.020—29.23.050 (borough assembly representation)
(4) AS 29.23.250(a) (election and term of mayor)
(5) AS 29.23.540 (prohibitions respecting appointment and removal of personnel)
(6) AS 29.23.560 (municipal reports)
(7) AS 29.23.580 (meetings public)
(8) AS 29.28.010, 29.28.020(b) — 29.28.030 (municipal elections)
(9) AS 29.28.130—29.28.250 (recall)
(10) AS 29.33.010(b) (areawide borough powers)
(11) AS 29.33.290(c) (acquisition of additional areawide powers)
(12) AS 29.43.020—29.43.040 (powers of cities outside boroughs)
(13) AS 29.48.033 (garbage and solid waste services)
(14) AS 29.48.035(b) (effect of areawide exercise of borough power)
(15) AS 29.48.035(c) (borough building code jurisdiction within cities)
(16) AS 29.48.037 (extraterritorial jurisdiction)
(17) AS 29.48.040—29.48.100 (utilities)
(18) AS 29.48.180 (codification)
(19) Repealed by section 8 ch 147 SLA 1972, effective September 10, 1972.
(20) AS 29.48.210 (expenditure of borough revenue)
(21) AS 29.48.220 (post audit)
(22) AS 29.53.010—29.53.350, 29.53.400 (borough and city property tax)
(23) AS 29.53.415(d) (interest on sales tax)
(24) AS 29.58.180(b) (security for bonds)
(25) AS 29.58.315 (bond attorneys, bond and financial consultants)
(26) AS 29.68.010 (annexation and exclusion)
(27) AS 29.68.030—29.68.110 (merger and consolidation)
(28) AS 29.68.500—29.68.580 (dissolution)
(29) AS 29.73.020 (eminent domain)
(30) AS 29.73.030 (adverse possession)
(31) AS 29.73.040 (taxation of municipalities)
(32) AS 29.73.050 (municipal name changes)
(33) AS 29.23.555 (conflict of interest)
(34) AS 29.33.050, AS 29.41.010(a), AS 14.12.020(a) (responsibility for education on military reservations)
(35) AS 29.58.340—29.58.350 (bonded debt for school construction)
(36) AS 29.63.065 (exemption from special assessment) (Sec. 2 ch 118 SLA 1972; am Secs. 2, 8 ch 147 SLA 1972; am Sec. 2 ch 32 SLA 1973; am Sec. 43 ch 53 SLA 1973; am Sec. 2 ch 137 SLA 1974; am Sec. 2 ch 114 SLA 1975)

Sec. 29.23.540. Holding municipal office.

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(c) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general election. However, no school district employee may serve on a school district board in the school district where he is employed. Provisions of this section do not apply to term of office in effect on the effective date of this Act.

(d) For purposes of this section a school district employee is not a municipal employee. (am Sec. 1 ch 93 SLA 1976)

Article 3. Education.

Sec. 29.33.050. Education. Each borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis as provided in AS 14.14.060. A military reservation within an organized borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14 110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, managemant and control of schools on military reservations transfers to the borough school district in which the military reservation is located. (Sec. 2 ch 118 SLA 1972; am Sec 3 ch 32 SLA 1973; am Sec. 6 ch 72 SLA 1974; am Sec. 6 ch 13 SLA 1972; Sec. 34 ch 124 SLA 1975)

Sec. 29.41.010. Powers of Third Class Boroughs. (a) A third class borough shall exercise the areawide powers of education and tax assessment and collection in the manner provided for second class boroughs. Areawide exercise of powers other than education and tax assessment and collection is not authorized.

(b) A third class borough may by a majority vote of the voters in a general or special election provide for planning, platting and zoning in accordance with AS 29.33.070 - 29.33.245 for boroughs and may exercise any general law municipal power which a second class borough is authorized to assume by this title. Powers assumed by a third class borough under this section may be exercised only within service areas. A third class borough may establish, operate, alter or abolish service areas in the manner provided by AS 29.63.090 for second class boroughs. The acquisition of additional powers on a service area basis may be initiated in either of two ways:

(1) a number of voters equal to 15 per cent of the number of votes cast in the proposed service area at the preceding regular election may file a petition with the assembly; or

(2) the assembly may place the question on the ballot.

(Sec. 1 ch 93 SLA 1977)

(c) A third class borough may borrow money and issue negotiable general obligation, revenue or refunding bonds and other evidences of indebtedness as provided for first and second class boroughs in AS 29.58.150-19.58.340. (am Sec. 4 ch 32 SLA 1973; am Sec. 7 ch 72 SLA 1974; am Sec. 7 ch 13 ALS 1975; repealed and re-enacted Sec. 35 ch 124 SLA 1975)

(d) A military reservation within a third class borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education. However, operation of the military reservation schools by the borough school district may be required by the Department of Education under AS 14.14. 110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education, operation, management and control of schools on the military reservation transfers to the borough school district in which the military reservation is located. (Sec. 2 ch 93 SLA 1977)

Sec. 29.41.020. Assembly to serve as school board. The borough assembly is the borough school board for third class boroughs. Where applicable, weighted voting shall apply to board decisions. The borough executive is the presiding officer of the borough assembly and president of the school board. The borough executive has all powers of a borough executive except for the veto power. (Sec. 2 ch 118 SLA 1972).

Sec. 29.43.030. Education. Home rule and first class cities outside boroughs constitute city school districts and establish, maintain, and operate a system of public schools as provided by AS 29.33.050 for boroughs. (Sec. 2 ch 118 SLA 1972)

Article 6. Miscellaneous Provisions

Section
345. Bonded indebtedness for school construction
350. Bond guarantee fund

Sec. 29.58.345. Bonded indebtedness for school construction.

A home rule city levying property taxes for schools, upon furnishing proof satisfactory to the Department of Education and the Department of Community and Regional Affairs of the need for school facilities which, if provided, will require the city to exceed limits on authorizing or issuing bonds which may be established by charter, may exceed the limits to the extent necessary to pay costs of school construction. In this section "costs of school construction" means costs as defined in AS 43.18.100(g)(2). (Sec 1 ch 137 SLA 1974)

Sec. 29.58.350. Bond guarantee fund.

(a) To guarantee payment by the state of the principal and interest of bonds issued under the enabling authority of sec. 340 of this chapter, there is in the Department of Community and Regional Affairs a special fund called the local school bond guarantee fund in which there shall be deposited all money appropriated by the legislature for the purpose of the fund and other money which may be made available for the purpose of the fund from any other source. Money in the fund shall be held and applied soley to further guarantee and provide an additional pledge of payment of all bonds issued under the provisions of sec. 340 of this chapter. Money shall not be withdrawn from the fund if a withdrawal would reduce the amount in the fund to an amount equal to less than the "maximum debt service reserve" (as defined in this section), except for payment of interest then due and payable on bonds and the principal of bonds then maturing and payable and for the retirement of bonds in accordance with the terms of a contract between the municipality and its bondholders and for the payments on account of which interest or principal or retirement of bonds other money is not then available in accordance with the terms of the contract. In this section "maximum debt service reserve" means, as of any date of computation, the largest amount of money required by the terms of all contracts between municipalities and their bondholders as to bonds issued under sec. 340 of this chapter to be raised in any succeeding calendar year for the payment of interest on and maturing principal of outstanding bonds and payments required by the terms of the contracts to sinking funds established for the payment or redemption of the bonds, all calculated on the assumption that bonds will cease to be outstanding after the date of the computation by reason of the payment of bonds at their respective maturities and the payments of the required money to sinking funds and the application of the money in accordance with the terms of the contracts to the retirement of bonds.

(b) Money in the guarantee fund at any time in excess of the maximum debt service reserve, whether by reason of investment or otherwise, may be withdrawn by the department and transferred to the general fund.

(c) Money at any time in the guarantee fund may be invested in any direct obligation of, or obligations as to which principal and interest is guaranteed by, the United States, the state or a political subdivision.

(d) For purposes of valuation, investments in the guarantee fund shall be valued at the lowest of the par value, cost to the authority, or market value of the investments. Valuation on any particular date shall include the amount of interest then earned or accrued to that date on any money or investments in the fund.

(e) Other provisions of this section notwithstanding, no bonds may be issued carrying the guarantee provided in this section unless there is in the guarantee fund the maximum debt service reserve for all bonds then issued and outstanding and the bonds about to be issued, but nothing prevents or precludes a municipality from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds about to be issued, upon their issuance, as is needed to achieve the maximum debt service reserve.

(f) In order to assure the maintenance of the maximum debt service reserve in the guarantee fund, there is authorized to be appropriated annually and paid to the authority for deposit in the fund, the sum, if any, that is certified by the commissioner of community and regional affairs to the governor as necessary to restore the fund to an amount equal to the maximum debt service reserve. The chairman shall annually, before December 2, deliver to the governor his certificate stating the sum, if any, required to restore the fund to that amount, and the sum so certified is authorized to be appropriated and paid to the fund during the then current state fiscal year.

(g) Nothing in this section may be considered to cause bonds, payment of which is guaranteed from money in the fund established under this section, to be in any way a debt or liability of the state or any political subdivision of the state other than the political subdivision issuing the bonds, and the bonds, whether or not payable from the maximum debt service reserve created and established under this section, shall not create or constitute an indebtedness, liability or obligation of the state or be or constitute a pledge of the faith and credit of the state. (Sec 1 ch 137 SLA 1974)

Chapter 68. Alteration of Boundaries

Sec. 29.68.020. Annexation of military reservations. A military reservation may be annexed to a city or borough in the same manner as prescribed for any other territory under sec. 10 of this chapter. If a city within an organized borough annexes a military reservation under this section, the territory encompassing the military reservation automatically is annexed to the borough of which the city is a part. (Sec 1 ch 32 SLA 1973; am Sec 8 ch 72 SLA 1974)

Title 35. Public Buildings, Works, and Improvements

Sec. 35.10.015. Architectural barrier regulations. The Department of Public Works is responsible for preparing and promulgating regulations governing the construction of public buildings and facilities by or for the state, including the University of Alaska, and its political subdivisions to insure that the public buildings and facilities are accessible to, and usable by, the physically handicapped. The regulations of the department shall conform as far as it is feasible to the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" or any amendments to this publication as approved by the American Standards Association, Incorporated, under the sponsorship of the National Society for Crippled Children and Adults and the President's Committee on Employment of the Physically Handicapped. (Sec 1 ch 119 SLA 1966; am Sec 1 ch 48 SLA 1972)

Sec. 35.15.080. Local control of state public works projects. (a) A municipality or, if the public work is an educational facility, a regional educational attendance area established under AS 14.08 may, by resolution of its governing body, request the assumption of all of the department's responsibilities relating to the planning and construction of a public works project of the state which is to be located within the boundaries or operating area of the municipality or regional educational attendance area and which would otherwise be constructed in the manner provided in sec. 10 of this chapter. After receipt of the request, the department

(1) shall provide for the assumption by the municipality or regional educational attendance area of all of the department's responsibilities relating to the planning, design and construction of an educational facility;

(2) may provide by agreement for transfer to and assumption by the municipality of the department's responsibilities relating to the planning, design, and construction of a public works project, unless the commissioner determines that assumption of responsibilities by the municipality is not practicable or not in the best interests of the state.

(b) If the commissioner of transportation and public facilities determines that assumption of responsibilities by a municipality under (a) (2) of this section is not practicable or not in the best interests of the state, he shall notify the governing body of the municipality of his finding and specify reasons for it. If the governing body requests reconsideration of the decision, he shall hold a hearing in the municipality within 30 days following mailing of the request. Following the hearing, he may affirm, modify or reverse his initial decision and shall specify in writing the reasons.

(c) A municipality may request joint assumption of responsibilities with the department relating to the planning, design and construction of a public works project. A regional educational attendance area may request joint assumption of responsibilities with the department relating to the planning, design and construction of an educational facility. Two or more municipalities or regional educational attendance areas may by mutual agreement provide for cooperative assumption of responsibilities relating to the planning and construction of a public works project. If two or more municipalities or regional educational attendance areas request assumption of responsibilities for a project and meet the standard of practicability set out in (a)(2) of this section, the commissioner shall determine which municipality or regional educational attendance area is best able to direct planning, design, and construction of the project and enter into an agreement with that municipality or regional educational attendance area, or provide for joint or cooperative administration, as the parties may agree or the commissioner may determine. Decisions of the commissioner under this subsection are final.

(am Sec 6 SLA 1978)

(d) Provisions of this title governing planning, design, and construction of public works by the department, and regulations adopted under the provisions, govern the administration of projects assumed by a municipality or regional educational attendance area under this section. For that purpose the provisions superside any conflicting provisions of ordinance or charter of a municipality.

(e) An organized borough may plan and construct public works under this section and make an agreement with the department for that purpose irrespective of restrictions of other provisions of law on the acqusition and exercise of borough powers. Borough exercise of the power conferred under this subsection does not preclude exercise by a city of the borough of the same power within the city.

(f) To carry out the purpose of this section, the commissioner of transportation and public facilities shall adopt regulations relating to the application for and the making and the conditions of agreements and the local assumption of responsibilities for the planning, design and construction of public works under this section. He shall include in grant contracts terms and conditions requiring a regional school board and its contractors to adhere to the provisions of AS 36.05.010 with respect to the payment of wage rates on construction projects, and AS 36.10.010 with respect to employment preference, and may require different terms in agreements for different projects to meet local conditions and unique requirements and to assure compliance with the public facilities procurement policies developed by the department under AS 35.10.160 — 35.10.200. If necessary, the commissioner may require as a condition of an agreement approval of the agreement by the federal government. Regulations adopted, amended or repealed by the department under this section which relate to educational facilities shall be developed in conjunction with the Alaska Association of School Boards and the Alaska Association of School Administrators and reviewed by those associations before final action on the regulations is taken by the department. (am Sec 7 ch 147 SLA 1978)

Sec. 35.15.090. Use of appropriated funds. Upon assumption by a municipality or regional educational attendance area of the department's responsibilities under sec. 80(a)(1) of this chapter, or upon execution of an agreement under sec. 80(a)(2) of this chapter, state funds appropriated for a public works project which is the subject of the assumption or the agreement shall be transferred to a special account in the state treasury. A municipality or regional educational attendance area administering the project under the assumption or agreement may draw on the account for costs of the project, under fiscal control of the department. If an agreement provides for joint or cooperative administration of the project, payment of costs shall be made to the party incurring the costs. (am Sec 8 ch 147 SLA 1978)

Sec. 35.15.100. Responsibility of department. When a municipality or regional educational attendance area has assumed responsibility for a public works project in accordance with secs. 80 — 120 of this chapter, the department is relieved of responsibility to the extent it is assumed by the municipality or regional educational attendance area. The department may provide technical assistance on the responsibility assumed if requested to do so by the municipality or area and shall be reasonably compensated for that assistance from the account established under sec. 90 of this chapter. (am Sec 1 ch 57 SLA 1976)

Sec. 35.15.110. Title to site and completion of project. (a) Title acceptable to the department to a suitable project site shall be vested in the state before work is begun on the site, except that, if the project involves construction of an educational facility, title or sufficient interest determined acceptable by the department to an approved site for a school building shall be vested in the municipality, the regional educational attendance area or the state before advertisement for bids or initiation of construction contract negotiations. (am Sec 9 ch 147 SLA 1978)

(b) Responsibility for maintenance of the project shall be established in the original contract agreement. The department shall participate in the final inspection of the project and approve of the final documents on the project. (am sec 1 ch 57 SLA 1967)

Sec. 35.15.120. Definitions. In secs. 80 — 120 of this chapter

(1) "construction" or any derivative of the term "construct" means, in addition to the meaning given in AS 35.25.020, selecting and acquiring a project site and necessary rights-of-way and easements on behalf of the state, providing for and connecting to utilities, and building, supervising and inspecting the public works project;

(2) "governing body" means in the case of a municipality, its assembly or council, and, in the case of a regional educational attendance area, its regional school board;

(3) "municipality" means a general law or home rule city or organized borough, including but not limited to a unified municipality organized under AS 29.68.240 — 29.68.440.

(am Sec 1 ch 57 SLA 1976)

Sec. 35.27.020. Art requirements for public buildings and facilities. (a) A building or facility constructed after June 30, 1975, or remodeled or renovated after June 30, 1975, shall include works of art, including but not limited to sculptures, paintings, murals or objects relating to Native art. (Sec. 1 ch 176 SLA 1980 repealed and reenacted)

(b) The department, before preparing plans and specifications for buildings and facilities, shall consult with the Alaska State Council on the Arts regarding the desirability of inclusion of works of art. (am Sec. 2 ch 176 SLA 1980)

(c) At least one percent or, in the case of a rural school facility, at least one-half of one percent of the construction cost of a building or facility approved for construction by the legislature after September 1, 1977, will be reserved for the following purposes: the design, construction, mounting and administration of works of art in a school, office building, court building, vessel of the marine highway system, or other building or facility which is subject to substantial public use. (Sec. 2 ch 96 SLA 1977; am Sec. 3 ch 176 SLA 1980)

(d) A building or facility with an estimated construction cost of less than $250,000 is exempt from the requirements of this chapter unless inclusion of works of art in the design and construction of the building or facility is specifically authorized by the department. (Sec. 4 ch 176 SLA 1980 repealed and reenacted)

(e) The artist who executes these works of art shall be selected by the architect for the department with the approval of the department, after consultation with the Alaska State Council on the Arts and the principal user of the public buildings or facilities. (Sec. 1 ch 54 SLA 1975)

(f) The artist who executes these works of art in the public schools shall be selected by the superintendent of a school district in which a public school is to be built with the approval of the school board. Should the department find in the best interest of the state that the selection of the artist who executes these works of art by the superintendent may result in a cost overrun to the state or delay of construction, the department shall make the selection of the artist in consultation with the superintendent. (Sec. 1 ch 96 SLA 1977)

(g) The architect, superintendent, department, and the Alaska State Council on the Arts shall encourage the use of state cultural resources in these art works and the selection of Alaska resident artists for the commission of these art works. (Sec. 1 ch 96 SLA 1977)

Title 36. Public Contracts

Sec. 36.10.010. Employment preference. In the performance of contracts let by the state, a political subdivision of the state, or a regional school board with respect to an educational facility under AS 14.08.161 for construction, repair, preliminary surveys, engineering studies, consulting, maintenance work or any other retention of services necessary to complete any given project, 95 percent residents shall be employed where they are available and qualified. If 10 or fewer persons are employed under the contract, then 90 percent residents shall be employed where they are available and qualified. In all cases of public works projects, preference shall be given to residents. In an area which has been designated as an area impacted by an economic disaster, residents of that area shall be given employment preference as provided in AS 44.33.290, followed by other residents of the state. (am Sec. 15 ch 147 SLA 1978)

36.95.010.

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(3) "public construction" or "public works" means the on-site field surveying, erection, rehabilitation, alteration, extension or repair, including painting or redecorating buildings, or other improvements to real property under contract for the state, a political subdivision of the state, or a regional school board with respect to an educational facility under AS 14.08.161; (am Sec. 16 ch 147 SLA 1978)

Title 37. Public Finance.

Sec. 37.05.305. Applicability to University of Alaska. The commissioner of administration may delegate the performance of the functions under this chapter as they relate to the university to the Board of Regents of the University of Alaska and set out the criteria and guidelines which shall be followed. The commissioner shall direct necessary stipulations and exercise monitoring responsibility for conformance through the Board of Regents of the University of Alaska. (am Sec. 5 ch 46 SLA 1977)

Sec. 37.05.320. Definitions. In this chapter

(2) "state agency," "agency," "department," or similar term means a department, officer, institution, board, commission, bureau, division, or other administrative unit forming the state government, and includes the Alaska Pioneers' Home and the University of Alaska. (am Sec. 6 ch 46 SLA 1977)

Sec. 37.07.120. Definitions. In this chapter

(1) "agency" means a department, officer, institution, board, commission, bureau, division, or other administrative unit forming the state government and includes the Alaska Pioneers' Home and the University of Alaska, but does not include the legislature or the judiciary. (am Sec. 7 ch 46 SLA 1977)

Sec. 37.10.088. Department of Administration authorized to make advances to the University. (a) During any fiscal year the Department of Administration may make advances to the University of Alaska against verified receivables from appropriations for grants and contracts from federal or private sources of the university and upon condition that the university reimburse the fund for these advances from funds received by the university from federal or private sources. The advances may not exceed 80 per cent of the verified receivables from grants and contracts appropriated from federal or private sources.

(b) Until June 30, 1980, the total of advances in any fiscal year may not exceed 20 per cent of the total of grants and contracts from federal and private sources appropriated to the university for that fiscal year. After June 30, 1980, the total of advances in any fiscal year may not exceed 10 per cent of the total of grants and contracts from federal and private sources appropriated to the university for that fiscal year. The amounts advanced in any fiscal year shall be repaid in full to the department within 120 days following the close of that fiscal year. If the repayment is not made on a timely basis, the department may withhold amounts due from state fund appropriations for the university.

(am Sec 1 ch 79 SLA 1978)

(c) The commissioner of administration shall submit a quarterly report of all advances and reimbursements under this section to the Legislative Budget and Audit Committee.

(d) The department shall establish the procedure for making advances to the university and for securing reimbursement from the university.

(am Sec 8 ch 46 SLA 1977)

Article 3. Public School Fund

Sec. 37.14.110. Public school fund established. (a) There is established as a separate fund the public school fund

(b) The principal of the fund established in (a) of this section consists of

(1) the balance of the public school permanent fund on July 1, 1978; and

(2) sums transferred under sec. 150 of this chapter.

(c) The income of the fund created in (a) of this section consists of the interest and dividends earned from investments of the principal of that fund under sec. 170 of this chapter.

Sec. 37.14.120. Public school fund advisory board created. (a) There is created in the Department of Revenue the Public School Fund Advisory Board composed of the commissioner of the Department of Education, three members elected by the Board of Education from among its membership, and the commissioner of the Department of Revenue.

(b) The board created in (a) of this section shall elect a chairman from the membership of the board. Members serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards.

Sec. 37.14.130. Powers and duties of boards. The board created in sec. 120 of this chapter has the following powers and duties:

(1) to hold regular meetings and special meetings considered necessary;

(2) to have prepared an annual accounting of the principal and income of the fund established in sec. 110 of this chapter; and

(3) to prepare long-range investment plans for the fund established in sec. 110 of this chapter.

Sec. 37.14.140. Fund utilization. The principal of the fund established in sec. 110 of this chapter shall be retained in the fund for investment as specified in sec. 170 of this chapter. The income of the fund may not be appropriated for a purpose other than for the support of public education programs.

Sec. 37.14.150. Contributions. During each fiscal year the commissioner of the Department of Revenue shall transfer to the fund created in sec. 110 of this chapter a sum equal to one-half of one per cent of the total receipts derived from the management of state land, including amounts paid to the state as proceeds of sale or annual rent of surface rights, mineral lease rentals, royalties, royalty sale proceeds, and federal mineral revenue-sharing payments or bonuses.

Sec. 38.05.030. Exceptions

(e) the sale, lease or other disposal of school lands under the jurisdiction of the department shall be made by the commissioner in accordance with the provisions of this chapter. However, disposal of school lands under this subsection, other than disposal by lease for a term of years, shall be made only for sites for school facilities or for public park and public recreational purposes. School lands may be exchanged for (1) state lands, (2) vacant, unappropriated and unreserved public lands and (3) lands owned by a city, borough or other public entity. In the case of unequal values, cash may be used to equalize land values. When the department determines that it is in the best interest of the state to dispose of the school lands located within Section 16 and 36 in an organized borough or city of any class, the borough or city is authorized, and has preference for six months after notice, to acquire the land at the appraised value by purchase or exchange of land acceptable to the department. No sale, lease, exchange or other disposal of school lands may be made without the approval of the State Board of Education. The state Board of Education shall act as a trustee of school lands. The board may retain private counsel or other professional assistance when necessary to carry out its duties as a trustee. (Sec. 3(a) — (d) art XIII ch 169 SLA 1959; am Secs. 20,21 ch 61 SLA 1960; am Sec. 1 ch 27 SLA 1967; am Sec. 1 ch 253 SLA 1970; am Sec.s 1,2 ch 35 SLA 1971; am Sec. 2 ch 267 SLA 1976)

Sec. 38.05.032. School land disposition procedures.

(a) Before the sale, lease or other disposal of school land, the director shall

(1) cause the preparation of a development plan which adequately describes the manner in which the land will be developed or utilized; however, no development plan is required for an exchange of school land to a public entity;

(2) make notice under Sec. 345 of this chapter of the proposed development plan, stating that a disposal of the land for such use is under consideration, and that interested persons may make comments and submit alternative proposals for development and use within 30 days of the last publication of notice; and

(3) notify municipalities as provided in Sec. 305 of this chapter at the same time notice is published or posted under (2) of this subsection; no further notice to municipalities need be given at the time of disposal.

(b) In the case of school land to be disposed of within municipalities, no disposal may be made until the municipal planning authority has held a public hearing on development plans and applications relating to the land to be disposed of. The director shall make development plans and applications available to municipal planning authorities for this purpose. No disposition of land may be made sooner than three weeks after a hearing held under this subsection. (Sec. 1 ch 257 SLA 1976)

Sec. 38.05.070. Generally. (Leasing of lands other than for the extraction of natural resources.)

(c) A lease may be issued for a period up to 55 years, if it appears to be in the best interests of the state and if the commissioner approves. If the commissioner determines that the land or a part of it which is the subject of a grazing lease is not being used for the purpose issued, the lease may be declared void. However, a nonrenewable lease for school lands may be issued for a period not to exceed 99 years. (Sec. 1 art V ch 169 SLA 1959; am Sec. 2 1959; am Sec. 17 ch 61 SLA 1960; am Sec. 1 ch 71 SLA 1966; am Sec. 2 ch 253 SLA 1970)

Title 39. Public Officers and Employees.
Chapter 05. Qualifications, Appointment, and Tenure.

Sec. 39.05.010. Repealed. (Sec. 29 ch 208 SLA 1975)

Sec. 39.05.060. Appointment, qualifications, and terms of office of members of departmental boards, councils, or commissions. (a) Each member of the following shall be a citizen of the United States:

(1) Local Boundary Commission;
(2) Alcoholic Beverage Control Board;
(3) Employment Security Advisory Council;
(4) Alaska State Housing Authority;
(5) Board of Fisheries;
(6) Board of Tourism;
(7) Commission for Northern Operations of Rail Transportation and Highways;
(8) Repealed by Sec. 36 ch 124 SLA 1975;
(9) the Governor's Commission on the Involvement of Young People in Government;
(10) Board of Game.

(b) The governor shall appoint each member on the basis of interest in public affairs, good judgment, knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Appointments are subject to confirmation by a majority of the members of the legislature in joint session.

(c) Initial appointments of members are as follows:

(1) in the case of three-member boards, for one, two and three years;

(2) in the case of five-member boards, for one, two, three, four and five years;

(3) in the case of six-member boards, two members serve for one year, two for two years, and two for three years;

(4) in the case of eight-member boards, two members serve for one year, two for two years, two for three years, and two for four years;

(5) in the case of 10-member boards, two members serve for one year, two for two years, two for three years, two for four years and two for five years.

(6) in the case of seven-member boards, two members serve for one year, two for two years, and three for three years.

(d) Initial terms date from February 1 before appointment. A vacancy occurring during a term of office is filled in the same manner as the original appointment is made and for the balance of the unexpired term. Each member holds office at the pleasure of the governor notwithstanding the member's term. (Sec. 6 ch 64 SLA 1959; am Sec. 2 ch 34 SLA 1960; am Sec. 2 ch 89 SLA 1964; am Sec. 2 ch 90 SLA 1967; am Sec. 10 ch 96 SLA 1967; am Sec. 1 ch 107 SLA 1969; am Sec. 30 ch 46 SLA 1970; am Sec. 2 ch 121 SLA 1971; am Sec. 36 ch 124 SLA 1975; am Sec. 34—36 ch 206 SLA 1975)

Sec. 39.05.065. is amended by adding a new subsection to read:

(b) A member of the Board of Education may also be a member of a district school board. (am Sec. 19 ch 26 SLA 1980)

Sec. 39.05.150. Repealed. (Sec. 2 ch 237 SLA 1970)

Chapter 25. State Personnel Act.

Sec. 39.25.110. Exempt service.

(8) certificated teachers employed by the state to teach in schools operated by the state;

(14) the executive officer of the Alaska Commission on Postsecondary Education. (Sec 31 ch 46 SLA 1970; am Sec 18 ch 78 SLA 1974)

(18) certified teachers and noncertified employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.41 to teach in, administer or operate schools under the operation, control and management of a regional educational attendance area school board.

Chapter 35. Public Employees' Retirement System of Alaska

Sec. 39.35.125. Participation of elected officials. (a) An elected official, other than a state legislator who is an active member of the teachers' retirement system, may be included in the system if, within 60 days after taking the oath of his office or within 60 days after May 12, 1966

(1) he directs his employer in writing to make the necessary deductions from his salary and to pay into the system the contributions required by and for an employee under this chapter and

(2) notice is given the commissioner of administration in writing.

(am Sec. 8 ch 82 SLA 1979)

(b) After an elected official has elected to be included in the system he and his employer are liable for contributions whenever he is a qualified elected official of a participating employer.

(c) An elected official, other than a state legislator who is an active member of the teachers' retirement system, may be included retroactively in the system if he makes retroactive contributions equal to what he would have made if he had elected to be included when he became eligible under (a) of this section. (Sec. 2 ch 155 SLA 1966; am Sec. 3 ch 159 SLA 1972; am Sec. 9 ch 82 SLA 1979)

Sec. 39.35.300. Employment with the state. (a) An active employee is entitled to credited service for periods of employment with the state after January 1, 1961, regardless of the office, department, division, or agency of the state in which he was employed. For purposes of this chapter, the University of Alaska is not an office, department, division, or agency of the state. Service credit may not be granted under this chapter for service which is creditable under the teachers' retirement system, AS 14.25. (am Sec. 29 ch 13 SLA 1980)

Sec. 39.35.360. Earlier service. (a) An employee who completes three years of service with the state after January 1, 1961, for which he makes contributions required by this chapter is entitled to credited service for employment rendered to the State and former Territory of Alaska before January 1, 1961, regardless of the office, department, division, or agency of the state or territory in which he was employed, or rendered service to a political subdivision of the state as a peace officer or correctional officer after January 1, 1961, provided the employee is vested in the state retirement program and is a participating member in the peace officers retirement system as of July 1, 1980, or if the service includes

(1) service as a commissioned officer of the United States Public Health Service,

(2) service with the United States District court and the United States Commissioner's court serving the Territory and State of Alaska succeeded to by the Alaska court system,

(3) persons employed as United States marshals, United States deputy marshals, Civil Aeronautics Administration security guards and United States Corps of Engineers security guards,

(4) employees of the Alaska Jail System of the United States Department of Justice,

(5) Civil Aeronautics Administration heavy equipment operators,

(6) employees of the United States Fish and Wildlife Service,

(7) employees of the Alaska Road Commission and Bureau of Public Roads,

(8) employees of the Alaska Communications System, and

(9) those peace officers of the territory, or of a political subdivision of the territory, who are employees of the state or a participating political subdivision of the state on July 1, 1978. The retirement benefits payable to an employee under this section which are attributable to employment rendered to the State and former Territory of Alaska before January 1, 1961, shall be reduced by the amount of the retirement pension benefits paid to him by the United States government for the same period of service.

(am Sec. 3 ch 81 SLA 1979)

(b) An employee who is entitled to credited service for employment before January 1, 1961, is not required to make retroactive contributions under this chapter.

(c) An elected state official who elects to participate in the system under Sec. 125 of this chapter is entitled to service credit for service rendered to the state or territory before 1961 if

(1) he pays contributions with respect to all his service rendered to the state after January 1, 1961, and

(2) his service rendered to the state after January 1, 1961, totals three years or more.

(d) Repealed. (Sec. 2 ch 26 SLA 1974; Sec. 17 ch 143 SLA 1960; am Sec. 4 ch 90 SLA 1964; am Secs. 5, 6 ch 155 SLA 1966; am Sec. 4 ch 235 SLA 1968; am Sec. 1 ch 55 SLA 1973; am Secs. 1, 2 ch 26 SLA 1974)

(e) An employee of a detention facility provided by a local government unit to the territorial or state government under AS 33.30.060, who continues in state employment upon transfer of the facility to the state, is entitled to credited service for his prior service with the facility if the employee remains in continuous employment with the state until July 1, 1976. To obtain credited service the employee is required to make retroactive contributions for the period of service between January 1, 1961 and the effective date of the transfer of the facility to the state.

(f) A surviving spouse receiving or entitled to receive a surviving spouse's pension under Sec. 440 of this chapter or benefits under a joint and survivor option filed under Sec. 450 of this chapter is eligible for increased benefits for any service credit authorized under (a) of this section, but not claimed or authorized by law before the empoyee's death.

(am Secs. 1, 2 ch 245 SLA 1976; am Secs. 31—33 ch 128 SLA 1977; am Secs. 1, 7 ch 174 SLA 1978)

(g) An employee is eligible to receive up to 10 years of credited service for service rendered before July 1, 1979, as a temporary employee of the legislature of the state or territory during legislative sessions. To receive retroactive credited service under this subsection, an employee must claim the service before July 1, 1980. When the employee claims the service, an indebtedness of the employee to the system shall be established. The amount of this indebtedness is equal to the contributions the employee would have made if he had been eligible for membership in the system. The rate used to calculate these contributions may not be less than the rate in effect on January 1, 1961. Interest as prescribed by regulation accrues on this indebtedness beginning July 1, 1980. Any outstanding indebtedness which exists at the time the employee retires will require an actuarial adjustment to the benefits which are based upon retroactive credited service under this subsection. (am Sec. 10 ch 82 SLA 1979)

Sec. 39.50.020. Report of Financial and Business Interests. (a) A judicial officer, commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter, person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. Candidates for state elective office shall file such a statement at the time of filing a declaration of candidacy or within 30 days of the filing of any nominating petition, or within 30 days of becoming a candidate by any other means. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later than April 15 or 15 days after the person files his federal income tax return in each following year, whichever shall come first. Persons who, on or after December 11, 1974, were members of boards or commissions not named in sec. 200(9) of this chapter are not required to file financial statements.

(b) The governor, lieutenant governor, members of the legislature, and candidates for these offices, judicial officers, each commissioner, head or deputy head of, or director of a division within, a department in the executive branch, assistant to the governor or chairman or member of a commission or board required to report under this chapter, shall file the statement with the Alaska Public Offices Commission. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records. Statements filed with the lieutenant governor, administrator of courts or the Alaska Legislative Council under AS 39.50.020(b) before the effective date of this Act shall be transferred to the Alaska Public Offices Commission for filing under AS 39.50.050, as amended by this Act.

Sec. 39.50.030. Contents of statements.

(a) Each statement shall be an accurate representation of the financial affairs of the public official or candidate and shall contain the same information for each member of his family, as specified in (b) of this section, to the extent that it is ascertainable by the public official or candidate. An asset or liability under $500, household goods, and personal effects need not be identified.

(b) Each statement filed by a public official or candidate under this chapter shall include:

(1) the source of all income over $100, including capital gains, whether or not taxable, received by him or his spouse or dependent child of his or nondependent child of his who is living with him, during the preceding calendar year;

(2) the identity, by name and address, of each business in which he or his spouse or dependent child of his or nondependent child of his who is living with him was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year;

(3) the identity and nature of each interest owned by him or his spouse or dependent child of his or nondependent child of his who is living with him, in any business during the preceding calendar year;

(4) the identity and nature of each interest in real property, including an option to buy, owned by him or his spouse or dependent child of his or nondependent child of his who is living with him, at any time during the preceding calendar year;

(5) the identity of each trust or other fiduciary relation in which he or his spouse or dependent child of his or nondependent child of his who is living with him, held a beneficial interest during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

(6) any loan or loan guarantee made to him or his spouse or dependent child of his or nondependent child of his who is living with him, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom he or his spouse or dependent child of his or nondependent child of his who is living with him owed $500 or more;

(7) a list of all contracts and offers to contract with the state, or an instrumentality of the state, during the preceding calendar year, held, bid or offered by him, his spouse, dependent child of his or nondependent child of his who is living with him, his mother or father or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest; and

(8) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar year by him, a dependent child of his or nondependent child of his who is living with him, his mother or father or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest.

Sec. 39.50.035 Exemptions. No person subject to this chapter is exempt from any of its provisions except to the extent state courts determine that legally privileged professional relationships preclude complete compliance. (Sec 5 ch 25 SLA 1975)

Sec. 39.50.040(a). Blind trusts.

(a) A public official may transfer all or a portion of his assets to a blind trust for the duration of his service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter. The instrument creating the blind trust must be included with the statement. (Sec 5 ch 25 SLA 1975)

Sec 39.50.050. Administration and inspection.

(a) The Alaska Public Offices Commission created under AS 15.13.020(a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution, standardized forms on which the reports required by this chapter shall be filed.

(b) The commission shall promulgate regulations to implement and interpret the provisions of this chapter; regulations or interpretation shall be within the intents and purposes of this chapter and are subject to judicial review in accordance with the provisions of the Administrative Procedure Act (AS 44.62).

Sec. 39.50.060. Penalty for Willful Violation of Disclosure Requirements. (a) A person required to file a report of financial or business interests under this chapter who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000, or by imprisonment for a period of not more than six months, or by both.

(b) Any person failing to or refusing to comply with the requirements of this chapter, in addition to the penalties prescribed, shall forfeit his nomination to office and shall not be seated or installed in office if he has not complied. Nominated, hired, or appointed officials, commissioners, chairmen or members of commissions or boards specified in sec. 200(9) of this chapter shall not be confirmed by the legislature if compliance has not been made. In the case of elected officials, the lieutenant governor, or other certifying authority, shall not certify a person's nomination for office or his election to office if compliance was not made within the time required. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office or election to that office who has complied within the times required and who shall be declared nominated or elected. (Initiative Proposal No 2, Sec 1 Dec 74; am Sec 9 ch 25 SLA 1975)

Sec. 39.50.070. Failure to Report by Department, Division, or Deputy Department Heads. A person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch who refuses or fails to file a report of financial interests required under this chapter when due may not hold office or have his name submitted to the legislature for confirmation until he complies. He may not be confirmed, hired, or appointed, and he forfeits and may not be paid any salary or per diem and travel expenses until he complies. If, after installation as the head or deputy head of, or director of a division within, a department, he refuses or fails to file the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 and shall be removed from office if compliance is not made within 30 days after the due date of the report.

(Initiative Proposal No 2, Sec 1 Dec 74; am Sec 9 ch 25 SLA 1975)

Sec. 39.50.080. Failure to Report By a Commission or Board Chairman or Member. A person hired or appointed as a commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter who fails to file a report of financial interests required under this chapter when due shall not hold office or have his name submitted to the legislature until he complies. He may not be confirmed, and he forfeits and shall not be paid any salary or per diem or travel expenses until he complies. If, after being seated as commissioner, chairman or member of such a commission or board he refuses or fails to file the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000 and shall be removed from office if compliance is not made within 30 days after the due date. (Initiative Proposal No 2, Sec 1; am Sec 11 ch 25 SLA 1975)

Sec. 39.50.090. Prohibited Acts. (a) No public official may use his official position or office for the primary purpose of obtaining financial gain for himself, or his spouse, child, mother, or father, or business with which he is associated or owns stock.

(b) No person may offer or pay to a public official, and no public official may solicit or receive money for legislative advice or assistance, or for advice or assistance given in the course of the official's public employment or relating to his public employment. However, this prohibition does not apply to a chairman or member of a state commission or board or municipal officer if the subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; this exception from the general prohibition does not apply to one whose service on a state commission or board constitutes him a full-time state employee under AS 39.

(c) No public official may represent a client before a state agency for a fee. However, this prohibition does not apply to a municipal officer, or chairman or member of a state commission or board except with regard to representation before his own commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes him a full-time state employee under AS 39.

(d) Violation of this section is a misdemeanor, punishable upon conviction by a fine of not less than $500, nor more than $2,000, by imprisonment up to one year, or by both.

(e) In this section, "public official" includes, in addition to the persons specified in sec. 200(1) of this chapter, chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state.

(f) No municipal officer may represent a client for a fee before the municipal body which he serves.

(Initiative Proposal No 2, Sec 1; am Sec 12 ch 25 SLA 1975; am Sec 1 ch 40 SLA 1975; am Secs 2, 3 ch 211 SLA 1975)

Sec. 39.50.110. Report of Financial Interests of Judicial Officers. Each judicial officer as defined in sec. 200(2) of this chapter shall file reports of financial and business interests required by this chapter. A judicial officer who refuses or fails to file a report when it is due forfeits and may not be paid his salary, per diem, and travel expenses after the due date, until he complies, and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000. He may not be appointed by the governor or other authority until he complies. Upon failure or refusal to comply within 30 days of the due date, he forfeits his office and shall be removed from office. (Initiative Proposal No 2, Sec 1; am Sec 13 ch 25 SLA 1975)

Sec. 39.50.120. Report of Financial Interests of Legislators. Each legislator shall file the reports of financial or business interests required by this chapter. A legislator who refuses or fails to file the report when due forfeits and shall not be paid his salary and per diem and travel expenses after the due date until he complies and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000. (Initiative Proposal No 2, Sec 1; am Sec 14 ch 25 SLA 1975)

Sec. 39.50.130. Report of Financial Interests of Governor and Lieutenant Governor. The governor and lieutenant governor shall each file a report of financial interests required by this chapter. If the governor or lieutenant governor fails to file the report when due, he forfeits and may not be paid his salary and per diem and travel expenses after the due date and until he complies, and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $100 nor more than $1,000. (Initiative Proposal No 2, Sec 1; am Sec 15 ch 25 SLA 1975)

Sec. 39.50.145. Participation by Municipalities. A municipality may exempt its municipal officers from the requirements of this chapter if a majority of the voters voting on the question at any regular election, as defined by AS 29.78.010 (14), or a special municipality-wide elections, vote to exempt its municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative ordinance. (Sec 16 ch 25 SLA 1975; am Sec 1 ch 211 SLA 1975)

Sec. 39.50.150. Initial Filing Date for Public Officials. (a) Every person who is a public official as defined in this chapter, or a public official-elect on December 11, 1974 shall file the statements required by this chapter before April 1, 1975. However, a public official who resigned his office or whose term of office expired on or after December 11, 1974 but before the due date of the first reports of incumbent public officials and public officials elect, need not file a financial statement.

(b) Municipal officers shall file the statements required by this chapter before November 15, 1975. However, a municipal officer who resigns his office or whose term of office expires before November 15, 1975 need not file a financial statement.

(Initiative Proposal No 2, Sec 1; am Sec 1 ch 2 SLA 1975; am Sec 17 ch 25 SLA 1975)

(1) "public official" means a judicial officer, a member of the legislature, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, an assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

(3) "child" includes a biological child, an adoptive child, and a stepchild;

(4) "commission" means the Alaska Public Offices Commission created under AS 15.13.020(a);

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the Alaska State Housing Authority;

(6) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, including but not limited to a unified municipality under AS 29.68;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(8) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, his employer is the source of his income; but if he is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which he or his spouse, or his children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or coprporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

(9) "state commission or board" means the

(A) Agricultural Loan Advisory Board (created administratively to assist in administration of AS 03.10);

(B) Alaska State Council on the Arts (AS 44.19.900);

(C) Alcoholic Beverage Control Board (AS 04.05.010);

(D) State Assessment Review Board (AS 43.56.040);

(E) Capital Selection Committee (Initiative 1, 1974);

(F) Board of Education (AS 14.07.075);

(G) Educational Broadcasting Commission (AS 14.58.020);

(H) Alaska Public Offices Commission (AS 15.13.020);

(I) Employment Security Advisory Council (AS 23.20.025);

(J) Board of Fish and Game (AS 16.05.220);

(K) Alaska Commercial Fisheries Entry Commission (AS 16.40.020);

(L) Fishermen's Fund Advisory and Appeals Council (AS 23.35.010);

(M) Alaska State Housing Authority (AS 18.55.020);

(N) State Commission for Human Rights (AS 18.80.010);

(O) State Investment Advisory Committee (AS 37.10.070(f));

(P) Alaska Judicial Council (art IV, Sec 8, Alaska Constitution);

(Q) Commission on Judicial Qualifications (art. IV, sec. 10, Alaska Constitution);

(R) Governor's Commission on the Administration of Justice (AS 44.19.746);

(S) State Section of Joint Federal-State Land Use Planning Commission (AS 41.40.020)

(T) Local Boundary Commission (AS 44.19.250);

(U) Occupational Safety and Health Review Board (AS 18.60.057);

(V) State Board of Parole (AS 33.15.010);

(W) State Personnel Board (AS 39.25.060);

(X) Alaska Pipeline Commission (AS 42.06.020)

(Y) Public Employees Retirement Board (AS 39.35.030);

(Z) Alaska Public Utilities Commission (AS 42.05.010);

(AA) University of Alaska Board of Regents (AS 14.40.120);

(BB) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020)

(CC) Small Business Development Corporation of Alaska (AS 44.60.020);

(DD) Alaska State Development Corporation (AS 44.59.010);

(EE) Board of Directors, State-Operated Schools (AS 14.08.030);

(FF) Alaska Teachers' Retirement Board (AS 14.25.035);

(GG) Alaska Transportation Commission (AS 42.07.010);

(HH) Workmen's Compensation Board (AS 23.30.005);

(II) Alaska Commission on Postsecondary Education (AS 14.40.903);

(JJ) Alaska Municipal Bond Bank Authority (AS 44.58.020);

(KK) Gas Pipeline Impact Committee (AS 31.30.040)

(10) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed.

(Initiative Proposal No 2, Sec 1; am Secs 18, 19 ch 25 SLA 1975; am Sec 3 ch 79 SLA 1975; am SLA 1975)

Title 41. Public Resources

Article 3. Forest Resource Conservation

Sec. 41.15.400. Observance of Arbor Day. To increase public awareness of the vital importance of the conservation and propagation of trees and forests to the everyday life of the citizens of Alaska, the third Monday in May of each year is designated "Arbor Day." It shall be observed by appropriate school assemblies and programs and may be the occasion for other suitable observances and exercises by civic groups and the public in general. (Sec 1 ch 11 SLA 1966; am Sec 1 ch 15 SLA 1973)

Title 43. Revenue and Taxation

Article 2. Aid for School Construction

Sec. 43.18.030. Local tax levy reduction. (a) The intent of Secs. 10-100 of this chapter in authorizing state aid for educational purposes and municipal services is that municipalities which levy taxes reduce those levies in reasonable proportion of the amount of state aid received by the municipality for a given fiscal year.

(b) If the municipality levies and collects real or personal property taxes, the governing body shall furnish the following notice with tax statements mailed for the fiscal year for which aid is received under AS 14.17 and Sec. 10-100 of this chapter:

"NOTICE TO TAXPAYER

For the current fiscal year the (city) (borough) has been allocated the following amount of state aid for school and municipal purposes under the public school foundation program (Alaska Statutes 14.17), the municipal services revenue sharing program of Alaska Statutes 43.18.010 — 43.18.050, and the program of state aid for retirement of school construction debt (Alaska Statute 43.18.100):

PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE	$
STATE AID FOR RETIREMENT OF SCHOOL CONSTRUCTION DEBT	$
AID BASED ON MUNICIPAL SERVICES FURNISHED (fire protection, police protection, air or water pollution control, land use planning, road maintenance, parks and recreation, transportation facilities and services, hospital operation)	$
TOTAL AID	$

The millage equivalent of this state aid, based on the dollar value of a mill in the municipality during the current assessment year and for the preceding assessment year, is:

	Previous	This Year
PUBLIC SCHOOL FOUNDATION PROGRAM ASSISTANCE	..... Mills	.... Mills
STATE AID FOR RETIREMENT OF SCHOOL CONSTRUCTION DEBT	..... Mills	.... Mills
AID BASED ON MUNICIPAL SERVICES FURNISHED	..... Mills	.... Mills
TOTAL MILLAGE EQUIVALENT	..... Mills	.... Mills."

(am Sec 4 ch 120 SLA 1977)

(c) If the municipality levies and collects only a sales tax, the governing body shall provide a notice substantially in the form set out in (b) of this section. In providing notice under this subsection, the council or assembly shall substitute for the millage equivalency its estimate of the equivalent sales tax rate for each of the categories of financial assistance set out in (b) of this section. Notice shall be provided

(1) by publishing in a newspaper of general circulation within the municipality a copy of the notice once each week for a period of three successive weeks, with first publication to occur not earlier than 45 days before the first day of the municipality's fiscal year; or

(2) if there is no newspaper of general circulation in the municipality, by posting a copy of the notice for at least 20 days in at least two public places within the municipality, with posting to occur not earlier than 45 days before the first day of the municipality's fiscal year.

Sec. 43.18.100. State aid for retirement of school construction debt. (a) During each fiscal year, the state shall allocate to an organized borough or a city which is a school district, the following sums:

(1) payments made by the borough or city during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred before July 1, 1977 to pay costs of school construction;

(2) 80 per cent of

(A) payments made by the borough or city during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1977 and before July 1, 1978 to pay costs of school construction;

(B) cash payments made after June 30, 1976 and before July 1, 1978 by the borough or city during the fiscal year two years earlier to pay costs of school construction;

(3) 80 per cent of

(A) payments made by the borough or city during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1978 to pay costs of school construction projects approved under AS 14.07.020(10);

(B) cash payments made after June 30, 1978 by the borough or city during the fiscal year two years earlier to pay costs of school construction projects approved under AS 14.07.020(10).

(repealed and re-enacted Sec 2 ch 147 SLA 1978)

(b) The commissioner shall administer the program of reimbursement authorized under this section and shall provide by regulation for the filing of applications for reimbursement, the form of proof of costs for which application for reimbursement is made, and other regulations necessary to administer the program. The commissioner shall exclude from the total school construction cost of the local district all state and federal funds included in these costs except funds provided under this section and AS 43.50.140. In approving applications for reimbursement, the commissioner shall

(1) offset against the amount of reimbursement authorized the amount of any funds distributed to the borough or city in the second preceding fiscal year from the school fund provided for in AS 43.50.140;

(2) require the borough or city to provide, with its application, a certified copy of the notice to taxpayers required by Sec. 30 of this chapter.

(am Sec 2 ch 120 SLA 1977)

(c) The school construction account is established. Funds to carry out the provisions of this section may be appropriated annually by the legislature to the account. If amounts in the account are insufficient for the purpose of providing the share to which a borough or city is entitled under this section, those funds that are available shall be distributed pro rata among the eligible local governments.

(d) Money in the school construction account which, at the end of the fiscal year for which the money is appropriated, exceeds the amount required for the allocations authorized in this section reverts to the general fund.

(e) The commissioner shall annually provide a report to the legislature on allocations of state aid made under this section, including but not limited to, the amount of state aid paid on a per capita and per student basis and the resultant effect on the rate of levy of taxes by the municipality for educational purposes. (am Sec 3 ch 120 SLA 1977)

(f) Repealed. (Sec 17 ch 147 SLA 1978)

(g) In this section, unless the context requires otherwise,

(1) "commissioner" means the commissioner of education;

(2) "costs of school construction" means the cost of acquiring, constructing, enlarging, repairing, remodeling, equipping or furnishing of public elementary and secondary school buildings and includes but is not limited to the cost of acquisition of sites, legal, engineering, fiscal, architectural and other fees of specialists or consultants, costs of labor, materials, equipment and

supplies, costs of authorization, issuance and sale of bonds, notes, or other evidences of debt. (Sec 1 ch 249 SLA 1970; am Sec 1 ch 93 SLA 1971; am Sec 2 ch 137 SLA 1972; am Sec 1 ch 28 SLA 1973; am Sec 47 ch 127 SLA 1974)

Sec. 43.18.105. Public School Facilities Construction Advance Account. The public school facilities construction advance account is established. The account consists of appropriations for distribution under secs. 105 — 135 of this chapter to boroughs and cities which are school districts to assist in paying the costs of public school facilities projects approved under AS 14.07.020(10) for which construction is commenced after June 30, 1978 and for which no bonding, notes, or other indebtedness was incurred before July 1, 1978. (am Sec 13 ch 147 SLA 1978)

Sec. 43.18.110. Eligibility. Eligibility of a proposed construction project for funding assistance under secs. 105 — 135 of this chapter shall be determined by the department based on standards and criteria established by regulation. The standards and criteria to be considered in determining eligibility include the following:

(1) emergency requirements;

(2) number of unhoused students;

(3) new elementary or secondary programs;

(4) existing community and school facilities and their condition; and

(5) economic and social stability of the community.

(am Sec 13 ch 147 SLA 1978)

Sec. 43.18.115. State aid. (a) The amount of state aid payable in advance under secs. 105 — 135 of this chapter is the amount by which the cost of construction of the approved school construction project would cause the debt-to- valuation ratio of the municipality to exceed 12 per cent.

(b) A payment under (a) of this section is limited to an amount which, when combined with estimated payments to the school district for the retirement of the principal and interest on bonds, notes or other indebtedness or reimbursement of cash payments for a school construction project for which payment is made under sec. 100(a)(1) or (2) of this chapter or for an approved school construction project for which payment is made under sec. 100(a)(3) of this chapter, does not exceed 80 per cent of the cost of the school construction project.

(c) For purposes of this section,

(1) "debt" means the principal amount of the direct and general obligation indebtedness of the municipality for which all taxable property is subject to taxation to pay the bond, note or other evidence of the debt, determined and reported in accordance with AS 14.17.140(c);

(2) "valuation" means the full and true value of the real and personal property of the municipality determined in in accordance with AS 14.17.140(a).

(am Sec 13 ch 147 SLA 1978)

Sec. 43.18.120. Application for aid. (a) The commissioner shall prescribe the necessary forms and procedures to be used in applying for construction cost assistance under secs. 105 — 135 of this chapter.

(b) A borough or city which is a school district seeking construction cost aid shall apply to the department by October 15 of the prior fiscal year.

(c) Based on his review of applications and his determination of project eligibility, the commissioner shall recommend to the governor an appropriation of funds for state aid for those projects under secs. 105 — 135 of this chapter.

(am Sec 13 ch 147 SLA 1978)

Sec. 43.18.125. Conditions of state aid. (a) Funds distributed to a borough or city which is a school district during a school year under secs. 105 — 135 of this chapter shall be received, held, and expended by the district in accordance with the applicable provisions of law and of regulations adopted by the department. Funds provided under secs. 105 — 135 of this chapter, but which are not required for the project for which they were granted or which are in excess of that borough's or city which is a district's entitlement for aid under sec. 115 of this chapter shall be returned to the department and deposited in the general fund.

(b) Each borough or city which is a school district shall maintain financial records of the receipt and disbursement of state funds received under secs. 105 — 135 of this chapter and money provided toward local effort. The records shall be in the form prescribed by the department and are subject to audit by it at any time.

(c) Upon completion of the construction project, the chief school administrator of the district shall report the total cost of the project and means of financing it to the commissioner.

(d) Boroughs and cities that are school districts shall secure and maintain in full force and effect adequate property loss insurance for the replacement cost of all facilities constructed after July 1, 1978 and for which state funds are available under this chapter.

(am Sec 13 ch 147 SLA 1978)

Sec. 43.18.130. Construction and Implementation. (a) Sections 105 — 135 of this chapter may not be construed so as to create a debt to the state.

(b) Funds to carry out the provisions of secs. 105 — 135 of this chapter may be appropriated annually by the legislature into the public school facilities construction advance account. If amounts in the account are insufficient to meet the allocations authorized by the commissioner under secs. 105 — 135 of this chapter, such funds as are available shall be distributed pro rata among each borough and city which is a school district based upon its computed entitlement.

(am Sec 13 ch 147 SLA 1978)

Sec. 43.18.135. Definitions. In secs. 100 — 135 of this chapter, unless the context requires otherwise,

(1) "approved school construction project" means the plan for a new school or an addition to or major rehabilitation of an existing school to the extent to which approved by the commissioner in accordance with AS 14.07.020(10);

(2) "commissioner" means the commissioner of education;

(3) "department" means the Department of Education.

(am Sec 13 ch 147 SLA 1978)

The commissioner of the Department of Education may make payments of amounts appropriated for advance funding of school construction in accordance with AS 43.18.105 — 43.18.135 for approved school construction projects during a one-year period following the effective date of this Act without regard to prior application by a city or borough school district for aid under AS 43.18.120(b) added by sec. 13 of this Act. (Sec 18 ch 147 SLA 1978)

Chapter 45. School Tax

Sec. 43.45.010. Tax imposed. (a) There is imposed a school tax of $10 a year upon each person 19 years of age or older gainfully employed in the state or on the waters of the state, except (1) a married person who is unemployed and entirely dependent upon the income of the spouse and whose spouse has paid a school tax, and (2) a person exempt under Sec. 20 of this chapter.

(b) The proceeds of the tax levied by this chapter shall be paid into the general fund of the state . . . . (Sec 1 ch 41 SLA 1957; am Sec 1 ch 175 SLA 1957; am Sec 1 ch 149 SLA 1959; am Sec 1 ch 179 SLA 1960)

Sec. 43.45.020. Persons exempt from tax. Persons in the active military or naval service of the United States, paupers, insane persons, persons cared for by the state and persons permanently injured, infirm, maimed or crippled so as to be disabled from earning a livelihood are exempt from the payment of the school tax. (Sec 37-4-3 ACLA 1949; am Sec 2 ch 179 SLA 1960)

Chapter 50.

Article 1. Cigarette Tax Act

Sec. 43.50.140. Disposition of proceeds. The proceeds derived from the payment of taxes, fees, and penalties, provided for under Sec. 10-180 of this chapter, and the license fees received by the department shall be paid into a state fund entitled "School Fund," and shall be used exclusively to rehabilitate, construct, and repair the state's school facilities, and for costs of insurance on buildings comprising school facilities during the rehabilitation, construction, and repair, and for the life of the buildings. (sec 16 ch 187 SLA 1955)

Title 44. State Government

Chapter 09. State Seal, Flag and Emblems

Sec. 44.09.090. State medal for heroism. (a) The governor is authorized to award a state medal for heroism directly or posthumously to any citizen of the state in recognition of a valorous and heroic deed performed by him in the saving of a life or for injury or death or threat of injury or death incurred by him in the service of the state or his community or on behalf of the health, welfare or safety of other persons. The medal shall be awarded by the governor with an appropriate ceremony.

(b) The governor shall make arrangements for the designing of the medal for heroism through a statewide design competition participated in by the school children of the state. (Sec. 1 ch 12 SLA 1965)

Chapter 19. Office of the Governor

. . .

Sec. 44.19.023. Management of State Museum. Repealed by Executive Order No. 34 (1974)

Article 9F. Involvement of Young People in Government.

Sec. 44.19.777. Establishment of commission. There is created in the Office of the Governor, the Governor's Commission on the Involvement of Young People in Government. (Sec. 1 ch 121 SLA 1971)

Sec. 44.19.779. Composition and chairman. The commission consists of nine members, drawn from the fields of public affairs, education, the sciences, the professions, other fields of private endeavor, from the state service, and the commission shall include three additional members from the 17 through 22 age group. The members shall be appointed by the governor, without regard to political affiliation and shall serve at the pleasure of the governor. One member shall be designated by the governor as chairman of the commission. (Sec. 1 ch 121 SLA 1971)

Sec. 44.19.781. Compensation and per diem. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (Sec. 1 ch 121 SLA 1971)

Sec. 44.19.783. Functions of the commission. (a) The commission shall establish procedures to enable it to recommend annually to the governor a group of promising young men and women from whom the governor may select both governor's interns and youth voting members of state boards and commissions. The commission, in establishing these procedures, shall enlist the aid of Alaskans who are actively interested in working with young people. Following adoption of the procedure, the commission shall accept applications from individuals and nominations for consideration.

(b) Recommendations of the commission shall be limited to young people who

(1) have a capacity, desire, interest, ability and potential for leadership and service to the state;

(2) will have attained the age of 17 but not the age of 22 before the beginning of their service. (Sec. 1 ch 121 SLA 1971)

Sec. 44.19.785. Governor's interns. An intern shall be appointed to serve on the staff of the Office of the Governor for a period of time prescribed by the governor, with a maximum of one year. He may be assigned responsibilities in that office or in the office of a commissioner or other principal department or agency of the executive branch of state government. Service will begin at a time prescribed by the governor. Governor's interns are in the partially exempt service. Salaries shall be individually established by the governor on the basis of prior experiences and the responsibilities of the position. Salaries shall not exceed $700 per month or $8,400 per year. (Sec. 1 ch 121 SLA 1971)

Sec. 44.19.787. Appointment to boards and commissions. (a) Notwithstanding AS 39.05.100 or a provision of law relating to age, the governor may appoint any resident of Alaska to a board or commission if recommended by the commission.

(b) A young person recommended by the commission may be appointed to boards or commissions with special qualifications for membership if the proposed nominee, except for his age, meets the required qualifications as set by law.

(c) An individual appointed to a board or commission under this section is entitled to the rights, privileges, and responsibilities of other members, and his appointment is subject to confirmation by the legislature when required by law. No additional seat on a board or commission is created by virtue of secs. 777—787 of this chapter. (Sec. 1 ch 121 SLA 1971)

Chapter 27. Department of Education.

Sec. 44.27.010. Board and commissioner of education. There is at the head of the Department of Education a Board of Education. The commissioner of education is the principal executive officer of the department. (Sec. 11 ch 64 SLA 1959; am Sec. 12 ch 96 SLA 1967)

Sec. 44.27.020. Duties of department. The Department of Education shall

(1) administer the state's program of education at the elementary, secondary, and adult levels, including, but not limited to, programs of vocational education and training, vocational rehabilitation, library services, correspondence courses, adult basic education, and fire-service training, but not including degree programs of postsecondary education;

(am Sec. 5 ch 86 SLA 1979)

(2) administer the historical library;

(3) plan, finance and operate related school and educational activities and facilities. (Sec. 11 ch 64 SLA 1959; am Sec. 77 ch 69 SLA 1970)

Chapter 62. Administrative Procedure Act.

Sec. 44.62.310. Agency meetings public. (a) All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money, are open to the public except as otherwise provided by this section. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize the afore-mentioned bodies. (am Sec. 1 ch 189 SLA 1976)

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit; (am Sec 2 ch 98 SLA 1972)

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential.

(d) This section does not apply to

(1) judicial or quasi-judicial bodies when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff; or

(5) meetings of the governing body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges or discipline.

(e) Reasonable public notice shall be given for all meetings required to be open under this section.

(f) Action taken contrary to this section is void. (Sec 1 art VI (ch 1) ch 143 SLA 1959; am Sec 1 ch 48 SLA 1966; am Sec 1 ch 78 SLA 1968; am Sec 1 ch 7 SLA 1969; am Sec 1, 2 ch 98 SLA 1972; am Sec 2 ch 100 SLA 1972)

Sec. 44.62.330. Application of chapter.

(a) is amended by adding a new paragraph to read:

(38) Alaska Commission on Postsecondary Education under AS 14.48 as to denial of applications and revocation of authorizations and permits. (am Sec. 4 ch 25 SLA 1976)

(42) the Department of Education and the Professional Teaching Practices Commission with regard to proceedings to revoke or suspend a teacher's certificate under AS 14.20.030 - 14.20.040 and AS 14.20.470(4). (Sec. 66 ch 9 SLA 1975)

(45) University of Alaska, except to the extent that its inclusion is inconsistent with the provisions of AS 14.40. (Sec. 9 ch 46 SLA 1977)

Title 47. Welfare, Social Services and Institutions.

Chapter 10. Delinquents and Wards of the Court.

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Sec. 47.10.070. Hearings. The court may conduct the hearing in an informal manner in the courtroom or in chambers. A hearing may be held before a young adult advisory panel in accordance with sec. 75 of this chapter. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. Nothing in this section may be applied in such a way as to deny a child his rights to a public trial and to a trial by jury. (Sec. 10(l) art I ch 145 SLA 1957; am Sec. 1 ch 49 SLA 1966; am Sec. 53 ch 71 SLA 1972)

Sec. 47.10.075. Young adult advisory panels. (a) Unless the minor objects, the court may select a young adult advisory panel to hear the case and advise the court of a recommended judgment and order. The court may consider any of the panel recommendations in making its judgment and order in the case.

(b) The principal of each high school shall submit annually to the court a list of the students enrolled in grades 10, 11 and 12. The court shall determine the method of selecting the members of each panel.

(c) A student shall be excused from attending school during the time he is serving as a panel member. No student may serve more than once each year on a panel.

(d) A student shall be excused from service as a panel member if he submits a written request to the court indicating the reason he does not wish to serve. (Sec. 2 ch 49 SLA 1966)

Sec. 47.10.080. Judgments and orders. (a) The court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not a delinquent or a child in need of aid.

(b) If the court finds that the minor is delinquent, it shall

(1) order the minor committed to the Department of Health and Social Services for a period of time not to exceed two years or in any event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if continued supervision is in the best interests of the person and the person consents to it; the department shall place the minor in the juvenile facility which the department considers appropriate and which may include a juvenile correctional school, detention home, or detention facility; the minor may be released from placement or detention and placed on probation on order of the court and may also be released by the department, in its discretion, under sec. 200 of this chapter.

(2) order the minor placed on probation, to be supervised by the department, and release him to his parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of supervision which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it;

(3) order the minor committed to the department and placed on probation, to be supervised by the department, and release him to his parents, guardian, other suitable person, or suitable nondetention setting such as a family home, group care facility, or child care facility, whichever the department considers appropriate to implement the treatment plan of the predisposition report; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the department may transfer the minor, in his best interests, from one of the probationary placement settings listed in this paragraph to another, and the minor, his parents or guardian and attorney are entitled to reasonable notice of the transfer; the probation may be for a period of time, not to exceed two years and in no event extend past the day the

minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; or

(4) order the minor to make suitable restitution in lieu of or in addition to the court's order under (1), (2) or (3) of this subsection.

(5) order the minor committed to the Department of Health and Social Services for placement in an adventure-based education program established under AS 47.21.020 with conditions the court considers appropriate concerning release upon satisfactory completion of the program or commitment under (1) of this subsection if the program is not satisfactorily completed. (am Sec. 6 ch 86 SLA 1979)

. . . .

Chapter 17. Child Protection.

Sec. 47.17.010. Purpose. In order to protect children whose health and well-being may be adversely affected through the infliction, by other than accidental means, of harm through physical abuse or neglect requiring the attention of a practitioner of the healing arts, the legislature requires the reporting of these cases by practitioners and others to the appropriate public authorities. It is the intent of the legislature that, as a result of these reports, protective services will be made available in an effort to prevent further harm to the child, to safeguard and enhance the general well-being of the children in this state, and to preserve family life whenever possible. (Sec. 1 ch 100 SLA 1971)

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their professional duties, have cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report the harm to the nearest office of the department:

(1) practitioners of the healing arts;

(2) school teachers;

(3) social workers;

(4) peace officers, and officers of the division of corrections;

(5) administrative officers of institutions.

(b) This section does not prohibit the named persons from reporting cases which have come to their attention in their nonprofessional capacities nor does it prohibit any other person from reporting a child's harm which he has cause to believe is a result of abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department, and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall take immediate action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department. (Sec. 1 ch 100 SLA 1971)

. . . .

Chapter 20. Exceptional Children

Sec. 47.20.005. Purpose. It is the purpose of secs. 5 — 50 of this chapter to provide appropriate public education and training for the exceptional children in this state who have not reached the age of three. To the maximum extent possible, the department shall establish a learning program which emphasizes individual needs, is home based, and involves parents in the education and training of their children. (am Sec 1 ch 77 SLA 1978)

Sec. 47.20.010. Assistance authorized. (a) The Department of Health and Social Services shall provide professional guidance and financial assistance to organized groups of parents, nonprofit corporations, school districts, and regional educational attendance areas according to standards and regulations adopted by the department for providing special services, evaluation and special training required by exceptional children.

(b) The program established under (a) of this section shall emphasize individual needs and, where possible, be home based and involve parents in the education and training of their children.

(am Sec 2 ch 77 SLA 1978)

Sec. 47.20.020. Standards for assistance. The department shall assist organized parental groups, school districts, regional educational attendance areas, and nonprofit corporations which have requested assistance and have arranged for the necessary facilities and equipment for training centers for exceptional children. (am Sec 3 ch 77 SLA 1978)

Sec. 47.20.030. Repealed. (Sec 6 ch 77 SLA 1978)

Sec. 47.20.040. Repealed. (Sec 6 ch 77 SLA 1978)

Sec. 47.20.050. Definitions. In this chapter

(1) "exceptional children" includes those children who have not reached the age of three and whose development is significantly delayed due to mental retardation, physical, neurological, or emotional handicaps; (am Sec 4 ch 77 SLA 1978)

(2) "evaluation" means the physical and mental examinations necessary to determine the extent of the handicap;

(3) Repealed. (Sec 6 ch 77 SLA 1978)

(4) "special service" means evaluation and special training;

(5) "special training" means

(A) nursery or preschool training to compensate for the special handicaps of exceptional children in order to prepare them, when possible, for admission to special classes in a regular school at the age determined by law, or

(B) training in self-help skills, safety, social and simple occupational skills for trainable mentally retarded children of school age who are incapable of academic subjects;

(6) Repealed. (Sec 6 ch 77 SLA 1978)

(7) "professional guidance" means the consultative services or other medical and educational specialists developed by the department for the education and training of exceptional children; (am Sec 5 ch 77 SLA 1978)

(8) "department" means the Department of Health and Social Services. (am Sec 5 ch 77 SLA 1978)

Chapter 21. Adventure-Based Education.

Sec. 47.21.010. Establishment. (a) The Department of Community and Regional Affairs shall establish an adventure-based education program designed to bring adventure-based education to appropriate juvenile offenders and others selected by referral agencies.

(b) Adventure-based education is a short-term, intensive training program designed to remedy failure patterns and encourage development of self-esteem, self-confidence, and social awareness in

(1) certain delinquent juveniles in the custody of the division of corrections;

(2) certain juveniles identified by the schools, division of social services, the courts, youth workers, or other community referral systems, as being able to benefit from adventure-based education.

Sec. 47.21.020. Program. (a) An adventure-based education program shall include provisions for the following phases:

(1) Phase I: Basic Skills Learning

(A) Physical conditioning: running, hiking, swimming, and other related activities;

(B) technical training: the use of specialized tools and equipment, camping, cooking map reading, navigation, life saving, drown proofing, and solo survival;

(C) safety training: first aid skills, emergency care, preventative medicine, nutrition health and personal hygiene care;

(D) team training: rescue techniques, evacuation exercises, and fire fighting;

(E) solo: solitary living for a short period with minimal equipment;

(F) interpersonal skills training: coping skills, individual and group problem solving, and societal communication skills;

(G) culturally relevant activities: traditional modes of subsistence living, travelling and surviving in wilderness areas and communities in Alaska, and cross-cultural experiences.

(2) Phase II: Skills Generalization

(A) vocational counseling and placement;

(B) family and interpersonal counseling;

(C) community systems utilization:

(i) transportation,

(ii) community services systems,

(iii) community problem solving.

(b) Criteria for adventure-based education programs shall be established by the Department of Community and Regional Affairs and shall include provisions for

(1) staff members with background experience in Outward Bound, NOLS, Alaska Wilderness Experience, Inc., or other similar wilderness skills programs or indigenous cultural experience;

(2) minimum program standards.

Chapter 35. Private Institutions

Article 1. Foster Homes, Boarding Homes and Institutions for Children.

. . .

(4) "nursery" means an establishment providing care and services for any part of the 24-hour day for a child not related by blood or marriage to the owner or operator, but does not include any establishment whose primary purpose is educational. (Sec. 1 ch 17 SLA 1951; am Sec. 1 ch 69 SLA 1971)

Chapter 80. Persons with handicaps

Article
1. Rights
2. Governor's Council for the Handicapped and Gifted
3. Programs and Plans
4. General Provisions

Article 1. Rights

Section
10. Rights of persons with handicaps
20. Protection and advocacy of rights

Sec. 47.80.010. Rights of persons with handicaps. Persons with handicaps have the same legal rights and responsibilities guaranteed all other persons by the Constitution of the United States and federal laws and by the constitution and laws of the state. No otherwise qualified person by reason of having a handicap may be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity which receives public funds. Some persons with handicaps may be unable, due to the severity of their handicap, to exercise for themselves all of their rights in a meaningful way; for others modification of some or all of their rights is appropriate. The procedure used for modification of rights shall contain proper legal safeguards against every form of abuse, shall be based on an evaluation of the social capability of the person by qualified experts, and shall be subject to periodic reviews and to the right of appeal to higher authorities.

Sec. 47.80.020. Protection and advocacy of rights. The department shall establish a system to protect and advocate rights of persons with handicaps. The system

(1) has the authority to pursue legal, administrative, and other appropriate remedies to assure the protection of the rights of persons with handicaps; and

(2) shall be independent of any state agency which provides treatment, services or habilitation of persons with handicaps.

Article 2. Governor's Council
for
The Handicapped and Gifted

Section
30. Governor's Council for the Handicapped and Gifted
40. Composition
50. Term of office.
60. Compensation, per diem, and expenses
70. Officers and staff
80. Bylaws
90. Responsibilities

Sec. 47.80.030. Governor's Council for the Handicapped and Gifted. There is established the Governor's Council for the Handicapped and Gifted. For budgetary purposes, the council is located within the Department of Health and Social Services but is the interdepartmental planning and coordinating agency of the Department of Health and Social Services, the Department of Education, and other departments which deliver services to persons who are handicapped or gifted. In addition, the council is the state planning council for purposes of federal laws relating to the handicapped or gifted.

Sec. 47.80.040. Composition. (a) The council consists of no fewer than 18 nor more than 23 members appointed by the governor in accordance with P.L. 91-517, P.L. 94-103, P.L. 94-142, as amended, and AS 14.30.231.

(b) No fewer than one-third of the members shall be representatives of the principal state agencies concerned with services for handicapped or gifted persons.

(c) No fewer than one-third of the members shall be developmentally disabled persons or parents or guardians of such persons, who are not officers or directors of an entity, or employees of a state agency, which receives funds or provides services under P.L. 91-517 or P.L. 94-103, as amended.

(d) The remaining members shall be appointed to represent the public at large, local agencies, nongovernmental agencies, and groups concerned with services to handicapped or gifted persons.

(e) Membership of the council shall at all times comply with the requirements of P.L. 91-517, as amended.

(f) In the appointment of all members other than state agency members, due regard shall be given to geographically balanced representation of areas of the state and to representation of persons with a variety of different mental and physical handicaps.

Sec. 47.80.050. Term of office. (a) Council members' terms are three years. Of the initial appointees, one-third shall be appointed for one-year terms, one-third for two-year terms, and one-third for three-year terms.

(b) A vacancy occurring in the membership of the council shall be filled by appointment of the governor for the unexpired portion of the vacated term.

(c) Council members serve at the pleasure of the governor, notwithstanding their terms of office.

(d) It is the legislative intent that the governor replace any member who, by poor attendance or lack of contribution to the council's work, demonstrates ineffectiveness as a council member.

Sec. 47.80.060. Compensation, per diem, and expenses. Members of the council receive no salary but are entitled to per diem and reimbursement for travel and other expenses as authorized by law for boards.

Sec. 47.80.070. Officers and staff. (a) The council, by a majority of its membership, shall elect a chairman and other officers it considers necessary from among its membership, to serve on a yearly basis.

(b) The department shall provide for the assignment of personnel to the council to ensure that the council has the capacity to fulfill its responsibilities. The personnel shall be directly responsible to the council for performance of their duties.

Sec. 47.80.080. Bylaws. The council, on approval of a majority of its membership, shall adopt and amend bylaws governing its composition, proceedings and other activities consistent with secs. 30 — 90 of this chapter and including, but not limited to, provisions concerning a quorum to transact council business and other aspects of procedure, frequency and location of meetings, and establishment, functions and membership of council committees.

Sec. 47.80.090. Responsibilities. The council shall

(1) serve as a forum by which issues and benefits regarding current and potential services to handicapped and gifted persons may be discussed by consumer, public, private, professional, and lay interests;

(2) advocate the needs of handicapped and gifted persons before the executive and legislative branches of the state government and before the public;

(3) advise the executive and legislative branches of the state government and the private sector on programs and policies pertaining to current and potential services to handicapped or gifted persons and their families;

(4) submit periodic reports to the commissioner of health and social services, the commissioner of education and to other appropriate departments, on the effects of current federal and state programs regarding services to handicapped or gifted persons; these reports shall include program performance reports to the governor, the federal government, and to state agencies as required by P.L. 91-517, P.L. 94-142, amended;

(5) in conjunction with the Departments of Health and Social Services and Education, develop, prepare, adopt, periodically review, and revise as necessary an annual state plan prescribing programs which meet the needs of persons with developmental disabilities as required under P.L. 91-517 or P.L. 94-103, as amended;

(6) review and comment to commissioners of state departments on all state plans and proposed regulations relating to programs for persons with handicaps before the adoption of a plan or regulation; for this purpose, the appropriate departments shall submit the plans and proposed regulations to the council;

(7) recommend the priorities and specifications for the use of funds received by the state under P.L. 91-517, P.L. 94-103 and P.L. 94-142, as amended;

(8) submit annually to the commissioner of health and social services, the commissioner of education, and the commissioner of community and regional affairs a proposed interdepartmental program budget for services to handicapped or gifted persons which includes, insofar as possible, projected revenues and expenditures for programs implemented by state agencies, local governmental agencies, and private organizations; the interdepartmental program budget is an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor;

(9) provide information and guidance for the development of appropriate special educational programs and services for exceptional children as defined in AS 14.30.350;

(10) monitor and evaluate budgets or other implementation plans and programs for handicapped and gifted persons to assure nonduplication of services and encourage efficient and coordinated use of federal, state and private resources in the provision of services; members of the council, with the approval of the council, have access to information in the possession of state agencies subject to disclosure restrictions imposed by state or federal confidentiality or privacy laws; and

(11) perform other duties required under P.L. 91-517, P.L. 94-103, P.L. 94-142, as amended, or AS 14.30.231, and as the governor may assign.

Article 3. Programs and Plans

Section
100. Programs for persons with handicaps
110. Program principles
120. Habilitation plans
130. Powers and duties of the department

Section
140. Licensing and certificates of need
150. Liability for expense of services
160. Transportation
170. Provision for personal needs upon discharge

Sec. 47.80.100. Programs for persons with handicaps. (a) The Department of Health and Social Services, the Department of Education, and other departments of the state as appropriate, shall, in coordination, plan, develop, and implement a comprehensive system of services and facilities for persons with handicaps, which is consistent with the state plan adopted under sec. 90(5) of this chapter and is dispersed geographically within the state.

(b) The services required in (a) of this section are specialized services or special adaptations of services available to the general population and shall be directed toward the social, personal, physical, or economic habilitation or rehabilitation of persons with handicaps.

(c) Within the limits of appropriations and other available funds, the appropriate department may itself provide the services and establish, operate, and maintain the facilities required under (a) and (b) of this section, or it may provide the services or facilities entirely or in part through contractual arrangements with public or private agencies.

Sec. 47.80.110. Program principles. The system of services and facilities required under sec. 100 of this chapter shall accord with the principle that treatment, services, and habilitation shall be designed to maximize individual potential, minimize institutionalization, and shall be provided in the least restrictive setting, enabling a person to live as normally as possible within the limitations of the handicap.

Sec. 47.80.120. Habilitation plans. A state agency, contractor, or grantee who is directly responsible for providing services to persons with handicaps shall develop an individual habilitation plan for each person whose program of services utilizes state funds. The plan shall be completed in writing and furnished to the department within 30 days of admission of a client to the program of services. The plan, its renewals, and any changes of it, shall have the written concurrence of the client, or his parent or guardian when appropriate, and the agency or contractor responsible for providing services. The development and content of a plan shall conform to requirements established by the department by regulation. Insofar as practicable, the requirements shall conform to those established for individual habilitation plans under P.L. 91-517 or P.L. 94-103, as amended. Each plan shall be time-limited, evaluated, and renewed at least annually.

Sec. 47.80.130. Powers and duties of the department. (a) The department shall

(1) develop budgets and receive and distribute appropriations and funds under this section;

(2) adopt regulations regarding standards of services and facilities for persons with handicaps and the quality of services and the process by which services are to be delivered;

(3) adopt any other regulations necessary to implement this chapter;

(4) provide technical assistance to public and private agencies in planning, developing, and implementing programs to serve handicapped persons;

(5) operate programs and facilities, and enter into agreements, contracts, or grants necessary to provide services required under this chapter;

(6) take the actions and undertake the obligations which are necessary to participate in federal grant-in-aid programs and accept federal or other financial aid for the study, examination, care and treatment of the handicapped.

(b) For purposes of P.L. 91-517 and P.L. 94-103, as amended, the department is designated the sole administering agency; it shall make applications for, receive, and expend grants under P.L. 91-517 or P.L. 94-103, as amended, and otherwise exercise the powers and perform the duties and functions necessary to comply with P.L. 91-517 and P.L. 94-103, as amended.

(c) The Department of Education may make applications for, receive, and expend grants under P.L. 91-230 (The Education for the Handicapped Act), as amended, and otherwise exercise the powers and perform the functions necessary to comply with that Act.

Sec. 47.80.140. Licensing and certificates of need. (a) No person may establish or operate a residential facility without first obtaining a license to do so. The department by regulation shall provide for licensing of residential facilities which are not within the licensing provisions of AS 18.20.010 — 18.20.130, AS 47.35.010 — 47.35.080 or other law requiring state licensing of such facilities. Regulations of the department shall include but need not be limited to (1) standards of operation promoting and protecting public health, safety, and welfare, and (2) procedures governing applications for and issuance of licenses and duration, renewal, and revocation of licenses for cause. The department may at reasonable times inspect and examine residential facilities licensed under this subsection for conformity with licensing requirements.

(b) A certificate of need is required as a prerequisite for licensing a residential facility established after the effective date of this Act and not otherwise provided for in AS 18.07.031 — 18.07.111. A certificate shall be issued and regulated in the same manner as provided in AS 18.07.031 — 18.07.111 for certificates of need for health care facilities.

Sec. 47.80.150. Liability for expense of services. (a) A person with a handicap or his legal representative acting in a representative capacity, or his spouse or parents, shall pay or contribute to the payment of the charges for the care or treatment in the manner and proportion which the department finds is not detrimental to rehabilitation and which is within the responsible person's ability to pay. The charges may not exceed the actual cost of the care or treatment as determined by the department. The order of the department relating to the payment of charges shall be prospective in effect and shall relate only to charges to be incurred, except that if a person intentionally conceals his ability to pay, he shall be ordered to pay to the extent of his ability the charges accruing during the period of the concealment. The order of the department relating to the payment of charges by the person with a handicap or his legal representative, or his spouse or parents, shall be issued within six months of the date on which the charge was incurred. The department may make necessary investigations to determine the ability to pay. The order shall remain in full force and effect unless modified by subsequent court or department orders.

(b) As used in (a) of this section, the term "actual cost of the care and treatment" means either the rate provided for by a contract entered into under this chapter, or, in the absence of a contract, a daily rate fixed by the department, and includes expenses of transportation incidental to treatment and carrying out the intent of this chapter.

(c) A person with a handicap who receives benefits under this chapter who is developmentally disabled as defined in sec. 900(7) of this chapter or the person responsible for payment of charges for such a person, may not be required to pay more than $50 a month toward the charges for the care, treatment, and transportation in connection with treatment of the person with a handicap.

(d) The department may charge, or accept from a person money or property, for the care or treatment of an inpatient or out-patient or for other purposes, even if the payment is not required by an order of the department, so long as the total payments received do not exceed the actual cost of care or treatment.

(e) All money paid by the person with a handicap or on his behalf, under this section, shall be deposited in the state treasury.

(f) If an order of payment is entered by the department under this section and delinquency in the payment of any amount due the state under the order continues for a period of more than 30 days after the notification by the department to the legal representative, parent, or spouse of the person with a handicap, the state may proceed to collect the amounts due by appropriate proceedings. Actions to enforce the collection of payments may only be brought within three years after the date of notification of a delinquent payment.

Sec. 47.80.160. Transportation. When an individual is to be treated under this chapter, the department shall arrange, upon the request of a person having a proper interest in the individual's treatment, and may pay for the individual's transportation to the designated facility, with appropriate medical or nursing attendants and by the available means which are appropriate and suitable. The department may pay return transportation of an individual and appropriate medical and nursing attendants. When practicable, one or more relatives or friends of the individual to be treated shall be permitted to accompany him. The department may pay necessary travel, housing and meal expenses incurred by one relative or friend in accompanying the individual to the facility if the department determines

(1) that the best interests of the individual's health require that he be accompanied by the relative or friend;

(2) the relative or friend accompanying the individual is indigent.

Sec. 47.80.170. Provision for personal needs upon discharge. The department shall make arrangements which are necessary to ensure that

(1) no patient is discharged or placed on convalescent status from a designated facility without suitable clothing; and

(2) an indigent patient discharged or placed on convalescent status is furnished suitable transportation to his permanent residence in this state or other suitable place at the discretion of the department, and a reasonable amount of money to meet his immediate needs.

Article 4. General Provisions.

Sec. 47.80.900. Definitions. In this chapter

(1) "council" means the Governor's Council for the Handicapped and Gifted created by sec. 30 of this chapter;

(2) "department" means the Department of Health and Social Services;

(3) "facilities for persons with handicaps" means publicly or privately operated facilities, or specified portions of facilities, designed primarily for the delivery of services to those persons; the term includes but is not limited to residential facilities;

(4) "habilitation" means education or training for the handicapped to enable them to function better in society;

(5) "least restrictive setting" means a residential or other setting for meeting the needs of a handicapped person which requires the least amount of restriction of personal liberty by enabling the person to function in as normal an environment as possible and to live as normally as possible, within the limitations of the handicap;

(6) "person with a handicap" means a person with a developmental disability as defined in (7) of this section or a person who is hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically or otherwise health impaired, or who has a specific learning disability; the term includes but is not limited to "exceptional children" as defined in AS 14.30.350(1) and AS 47.20.050(1);

(7) "person with a developmental disability" means a person having a disability which

(A) is attributable to

(i) mental retardation, cerebral palsy, epilepsy, or autism;

(ii) any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to impairment resulting from mental retardation; or

(iii) dyslexia resulting from a disability described in (i) or (ii) of this subparagraph; and

(B) constitutes a substantial handicap to the person's ability to function normally in society;

(8) "residential facility" means a publicly or privately operated facility which provides 24-hour care for four or more persons with handicaps, excluding family, foster family, or adoptive homes;

(9) "substantial handicap" means a disability which prevents or substantially impedes the person's participating in and benefiting from the social, economic, educational, recreational, or other opportunities generally available to peers in the community who are not similarly handicapped.

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